

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA

SESSION OF 1911

HELD IN THE CITY OF MONTGOMERY,
COMMENCING

TUESDAY, JANUARY 10, 1911

VOL. I.



WITH AN INDEX PREPARED BY
THE SECRETARY OF THE SENATE.

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1911

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA

FIRST DAY.

January 10, 1911.

This being the second Tuesday in January A. D., 1911, and the day fixed by law, and the Constitution for the quadrennial meeting of the Legislature of the State of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock M., and was called to order by Lieutenant Governor Henry B. Gray, President of the Senate. J. A. Kyle, secretary, was present and acted as such according to law.

PRAYER.

By Rev. Mr. Brewer of the City.

ROLL CALL.

The roll of the Senate being called, the following Senators-elect answered to their names:

1st. District—Lauderdale and Limestone Counties.
Thurston H. Allen, Florence, Alabama.

2nd. District—Lawrence and Morgan Counties. C.
M. Sherrod, Courtland, Alabama.

3rd. District—Blount, Cullman and Winston Counties. J. B. Sloan, Oneonta, Alabama.

5th. District—Jackson and Marshall Counties. C. W. Brown, Glenzaida, Alabama.

6th. District—Etowah and St. Clair Counties. W. T. Brown, Ragland, Alabama.

7th. District—Calhoun County. Thomas E. Kilby, Anniston, Alabama.

8th. District—Talladega County. T. S. Plowman, Talladega, Alabama.

9th. District—Chambers and Randolph Counties. J. D. Norman, Lanett, Alabama.

10th. District—Elmore and Tallapoosa Counties. O. S. Justice, Central, Alabama.

11th. District—Tuscaloosa County. Frank S. Moody, Tuscaloosa, Alabama.

12th. District—Fayette, Lamar and Walker Counties. C. A. Beasley, Fayette, Alabama.

13th. District—Jefferson County. Hugh Morrow, Birmingham, Alabama.

14th. District—Pickens and Sumter Counties. S. H. Sprott, Livingston, Alabama.

15th. District—Autauga, Chilton and Shelby Counties. T. A. Curry, Clanton, Alabama.

17th. District—Butler, Conecuh and Covington Counties. W. C. Crumpton, Evergreen, Alabama.

18th. District—Bibb and Perry Counties. W. J. Vaiden, Uniontown, Alabama.

20th. District—Marengo County. C. H. Miller, Miller, Alabama.

21st. District—Baldwin, Escambia and Monroe Counties. E. M. Lovelace, Brewton, Alabama.

22nd. District—Wilcox County. N. D. Godbold, Camden, Alabama.

23rd. District—Dale and Geneva Counties. C. A. Stokes, Ozark, Alabama.

24th. District—Barbour County. Robert Moulthrop, Eufaula, Alabama.

25th. District—Coffee, Crenshaw and Pike Counties. Felix Folmar, Luverne, Alabama.

26th. District—Bullock and Macon Counties. T. S. Frazer, Union Springs, Alabama.

27th. District—Lee and Russell Counties. N. P. Renfro, Opelika, Alabama.

28th. District—Montgomery County. M. H. Screws, Montgomery, Alabama.

29th. District—Cherokee and DeKalb Counties. J. A. Nance, Collinsville, Ala., R. F. D.

30th. District—Dallas County. V. B. Atkins, Selma, Alabama.

31st. District—Colbert, Franklin and Marion Counties. E. B. Fite, Hamilton, Alabama.

32nd. District—Greene and Hale Counties. A. M. Tunstall, Greensboro, Alabama.

33rd. District—Mobile County. T. M. Stevens, Mobile, Alabama.

34th. District—Clay, Cleburne and Coosa Counties. W. B. Merrill, Heflin, Alabama.

35th. District—Henry and Houston Counties. J. J. Espy, Headland, Alabama.

R. E. Spragins, of the 4th District, Madison County, Huntsville, Alabama; C. P. Rogers, Sr., of the 16th District, Lowndes County, Letohatchie, Alabama, and B. D. Turner, of the 19th District, Choctaw, Clarke and Washington Counties, St. Stephens, Alabama, were absent.

OATH OF OFFICE.

Upon request of the Presiding Officer of the Senate, Lieutenant Governor Henry B. Gray, the Senators elect came forward, presented their credentials, and the President of the Senate administered to them the oath of office prescribed by the Constitution of the State, and each Senator present came forward and subscribed his name to said oath as follows:

I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties

of the office upon which I am about to enter to the best of my ability, so help me God.

Thurston H. Allen, Attorney-at-law,
C. M. Sherrod, Attorney-at-law,
J. B. Sloan, Attorney-at-law,
C. W. Brown, Farmer,
W. T. Brown, Merchant,
Thos. E. Kilby, Banker,
T. S. Plowman, Attorney-at-law,
Jas. D. Norman, Farmer,
O. S. Justice, Physician,
Frank S. Moody, Banker,
Cecil A. Beasley, Attorney-at-law,
Hugh Morrow, Attorney-at-law,
S. H. Sprott, Attorney-at-law,
Thos. A. Curry, Attorney-at-law,
W. C. Crumpton, Attorney-at-law,
W. J. Vaiden, Farmer,
C. H. Miller, Merchant,
E. M. Lovelace, Lumberman,
N. D. Godbold, Attorney-at-law,
C. A. Stokes, Capitalist,
Robt. Moulthrop, Banker,
T. S. Frazer, Lawyer,
N. P. Renfro, Banker,
Felix Folmar, Insurance,
M. H. Screws, Lawyer,
J. A. Nance, Farmer,
V. B. Atkins, Merchant,
E. B. Fite, Attorney,
A. M. Tunstall, Attorney-at-law,
T. M. Stephens, Attorney-at-law,
W. B. Merrill, Attorney-at-law,
J. J. Espy, Banker.

Senator Spragins, from the 4th District; Senator Rogers, from the 16th District, and Senator Turner, from the 19th District, being absent, they did not subscribe to or take said oath.

The President and presiding officer of the Senate then declared the Senate duly in session and ready for the transaction of such business as may be brought before it.

RECESS.

On motion of Mr. Tunstall the Senate took a recess until the call of the President.

Senate called to order by the President.

RESOLUTIONS.

Mr. Moody offered the following resolution, which, under a suspension of the rules, was unanimously adopted, to-wit:

S. R. 1. Resolved, That the President Pro Tem shall appoint the standing and special committees of the Senate and the messengers and pages of the Senate.

Mr. Tunstall offered the following resolution, which, under a suspension of the Rules, was unanimously adopted:

S. R. 2. Resolved, That the President Pro Tem of the Senate be and he is hereby authorized to appoint a committee of five on rules, which shall be a standing committee of the Senate.

ELECTION OF OFFICERS.

The President announced the next order of business was the election of officers as follows:

President Pro Tem, Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper an Enrolling Clerk, an Engrossing Clerk, a Comparing Clerk and Doorkeeper for the gallery.

The Senate then went into the election of the officers above named.

ELECTION OF PRESIDENT PRO TEM.

Mr. Stephens of Mobile placed in nomination for President Pro Tem of the Senate, Hon. Hugh Morrow of

Jefferson, which was seconded by the Hon. Thomas Curry of Chilton.

Those who voted for Mr. Morrow are:

Messrs. :	Frazer	Plowman
Allen	Godbold	Renfro
Atkins	Justice	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Lovelace	Sloan
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Stevens
Curry	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Nance	Vaiden
Folmar	Norman	

—31.

Mr. Morrow having received the entire vote cast, being a majority of the vote of the Senate, he was declared duly and constitutionally elected President Pro Tem of the Senate for the term prescribed by law.

ELECTION OF SECRETARY.

Mr. Beasley of Fayette placed in nomination for Secretary of the Senate J. A. Kyle of Jackson.

Those who voted for Mr. Kyle are:

Messrs. :	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

—32.

Mr. Kyle having received all the votes cast, being a majority of the Senate, he was declared duly and

constitutionally elected Secretary of the Senate for the term prescribed by law.

ELECTION OF ASSISTANT SECRETARY.

Mr. Plowman of Talladega placed in nomination for Assistant Secretary of the Senate Henry F. Reese, Jr., of Dallas.

Those who voted for Mr. Reese are:

Messrs.:	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Spratt
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

—32.

Mr. Reese having received all the votes cast, being a majority of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate for the term prescribed by law.

ELECTION OF DOORKEEPER.

Mr. Allen of Lauderdale placed in nomination for Doorkeeper of the Senate, W. N. Hayes of Limestone.

Those who voted for Mr. Hayes are:

Messrs.:	Curry	Kilby
Allen	Espy	Lovelace
Atkins	Fite	Merrill
Beasley	Folmar	Miller
Brown, C. W.	Frazer	Moody
Brown, W. T.	Godbold	Morrow
Crumpton	Justice	Moulthrop

Nance	Screws	Stevens
Norman	Sherrod	Stokes
Plowman	Sloan	Tunstall
Renfro	Sprott	Vaiden

—32.

Mr. Hayes having received all the votes cast, being a majority of the Senate, was declared duly and constitutionally elected Doorkeeper of the Senate for the term prescribed by law.

ELECTION OF ASSISTANT DOORKEEPER.

Mr. Tunstall of Hale placed in nomination for Assistant Doorkeeper of the Senate Wm. H. Maybin of Montgomery.

Those who voted for Mr. Maybin are:

Messrs. :	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

—32.

Mr. Maybin having received all the votes cast, being a majority of the Senate, he was declared duly and constitutionally elected Assistant Doorkeeper of the Senate for the term prescribed by law.

ELECTION OF DOORKEEPER OF THE GALLERY.

Mr. Moulthrop of Barbour placed in nomination as Doorkeeper of Senate Gallery, J. T. Watkins of Barbour.

Those who voted for Mr. Watkins are:

Messrs. :	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

—32.

Mr. Watkins having received all the votes cast, being a majority of the Senate, he was declared duly and constitutionally elected Doorkeeper of the Senate Gallery for the term prescribed by law.

ELECTION OF ENROLLING AND ENGROSSING CLERK.

Mr. Tunstall placed in nomination as Enrolling and Engrossing Clerk of the Senate, Mrs. M. N. Gessuer of Montgomery, with the understanding that she was to act in both capacities and receive the compensation therefor now allowed by law until the further orders of the Senate.

Those who voted for Mrs. Gessuer are:

Messrs. :	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

—32.

Mrs. Gessuer having received all the votes cast, being a majority of the Senate, she was declared elected and authorized to act in both capacities until the further orders of the Senate, and to receive the compensation therefor now prescribed by law.

ELECTION OF COMPARING CLERK.

Mr. Screws of Montgomery placed in nomination for Comparing Clerk of the Senate, Mrs. Laura J. Alley of Montgomery.

Those who voted for Mrs. Alley are:

Messrs. :	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

—32.

Mrs. Alley having received all the votes cast, being a majority of the Senate, she was declared duly and constitutionally elected Comparing Clerk of the Senate for the term prescribed by law.

OATH OF OFFICE.

The oath of office as prescribed by the Constitution and laws of the State of Alabama was then administered by the presiding officer of the Senate to the following officers to-wit: Hugh Morrow, President Pro Tem; J. A. Kyle, Secretary; H. F. Reese, Jr., Assistant Secretary.

RESOLUTION.

Mr. Tunstall offered the following resolution, which was adopted:

S. R. 3. Resolved, That the Secretary be instructed to inform the House of Representatives that the Senate has perfected its organization, and elected its permanent officers, and is now ready for the transaction of business.

That he be further instructed to communicate to the House the names of the several officers elected by the Senate.

APPOINTMENT OF COMMITTEE ON RULES.

President Pro Tem Morrow pursuant to the resolution offered by Mr. Tunstall and unanimously adopted by the Senate, appointed the following as the Standing Committee on Rules of the Senate for the term prescribed by law, to-wit: Messrs. Tunstall, Chairman; Stevens, Sprott, Screws, Morrow, and the Senate unanimously confirmed said appointment.

INTRODUCTION OF BILLS.

By unanimous consent the following bills were introduced and read one time and referred to appropriate standing committees as follows:

By Mr. Godbold.

S. 1. To amend Section 6638 of the Code of Alabama, 1907.

Rules.

By Mr. Screws.

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a Building Committee for such purpose, and to make an annual appropriation for the maintenance of such residence.

Rules.

By Mr. Merrill.

S. 3. To provide for a Secretary and other clerical help for the Supreme Court of Alabama, and to amend Article 2 of Chapter 141 of the Code of 1907.

Rules.

By Mr. Justice.

S. 4. To amend Sections 920 and 922 of the Code of Alabama.

Rules.

By Mr. Screws.

S. 5. To amend Section 551 of the Code of Alabama of 1907.

Rules.

ADJOURNMENT.

At 2:30 o'clock P. M. on motion of Mr. Norman the Senate adjourned until 12 o'clock M. tomorrow.

SECOND DAY.

Wednesday, January 11, 1911.

Senate met pursuant to adjournment.

PRAYER.

By Mr. Norman of the Senate.

ROLL CALL.

Present:

Mr. President, and		
Messrs.:	Brown, W. T.	Folmar
Allen	Crumpton	Frazer
Atkins	Curry	Godbold
Beasley	Espy	Justice
Brown, C. W.	Fite	Kilby

Lovelace	Norman	Sloan
Merrill	Plowman	Sprott
Miller	Renfro	Stevens
Moody	Rogers	Stokes
Morrow	Screws	Tunstall
Moulthrop	Sherrod	Vaiden
Nance		

—33.

JOURNAL.

On motion of Mr. Screws the reading of the Journal of yesterday was dispensed with and the same was approved.

COMMUNICATIONS.

The following communications were read in the Senate:

Montgomery, Ala., Jan. 7, 1911.

Hon. Henry B. Gray,
Lieutenant Governor,
Senate Chamber,

My Dear Sir:

For the convenience and use of the members of the Senate, I have had placed upon the desk of each Senator a copy of my biennial report to the Governor for the period of 1908-10. I will thank you very much if you will make this statement to the Senate, calling their attention to my action in the premises.

With best wishes for the New Year, I remain,

Yours sincerely,

Alex. M. Garber,
Attorney General.

Auburn, Ala., January 10, 1911.

To the Senate of Alabama:

The faculty and students of the Alabama Polytechnic Institute respectfully tender greetings, and request that each member accept the accompanying gift, which was made by the hands of the young men of Alabama, as trained in the shops of this school.

MESSAGE FROM THE HOUSE.

Mr. President:

I am directed by the House to inform the Senate that the House has perfected its organization by the election of the following officers:

Hon. E. B. Almon, of Colbert, Speaker.

W. F. Herbert, of Marengo, Clerk.

John Q. Adams, of Dale, Assistant Clerk.

F. A. Gamble, of Walker, Engrossing Clerk.

T. H. Seay, of Montgomery, Enrolling Clerk.

Robert Hasson, of Calhoun, Doorkeeper.

T. W. deYampert, of Montgomery, Assistant Doorkeeper.

W. F. Herbert,
Clerk.

LEAVE OF ABSENCE.

On motion of Mr. Moody an indefinite leave of absence was granted to Messrs. Spragins and Turner, on account of sickness.

RESOLUTIONS.

Mr. Morrow offered the following resolution, which, on motion of Mr. Tunstall, under a suspension of the rules, was unanimously adopted, to-wit:

S. R. 4. Resolved, That there is hereby created the position of Reading Clerk of the Senate at a salary of six dollars per day; that such Reading Clerk shall be appointed by the Secretary of the Senate, by and with the advice and consent of the President Pro Tem of the Senate.

Whereupon the Secretary of the Senate with the advice and consent of the President Pro Tem of the Senate appointed Hon. John F. Proctor of Jackson, Reading Clerk of the Senate.

INTRODUCTION OF BILLS.

By unanimous consent, the following bills were introduced, read one time and referred to appropriate standing committees of the Senate, to-wit:

By Mr. Fite.

S. 6. To prohibit the issuing by anyone, of checks or orders upon banks or other persons, when the makers of such orders or checks, have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

Rules.

By Mr. Fite.

S. 7. Regulating the administration of estates in the Chancery Courts of this State, and the conferring of jurisdiction on said courts in such proceedings, to order a private sale of either real or personal property.

Rules.

REPORTS OF COMMITTEES.

Mr. Tunstall, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 5. To amend Section 551 of the Code of Alabama of 1907.

S. 4. To amend Sections 920 and 922 of the Code of Alabama.

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a Building Committee for such purpose, and to make an annual appropriation for the maintenance of such residence.

S. 1. To amend Section 6638 of the Code of Alabama of 1907.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following joint resolution:

By Mr. Merritt.

H. R. 5. Resolved by the House, the Senate concurring, That a joint committee consisting of three from the House and two from the Senate be appointed by the Speaker of the House and the President Pro Tempore of the Senate, for their respective Houses, to wait upon the Governor and inform him of the organization of the Legislature of Alabama and its readiness to transact public business.

Committee on part of the House: Messrs. Merritt, Stollenwerck and Walden.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate concurred in and adopted the foregoing resolution, set out in the foregoing message from the House.

The President pro tem appointed as committee on part of the Senate Messrs. Frazer and Moody.

OATH OF OFFICE.

Hon. C. P. Rogers, Sr., Senator from the 16th Senatorial District, composed of the County Lowndes, being present he came forward and the President pro tem of the Senate, administered to him the oath of office prescribed by the Constitution, and he subscribed to the same.

The oath of office as prescribed by law was likewise administered to the remaining officers of the Senate to-wit:

W. N. Hayes, Doorkeeper.

W. H. Maybin, Assistant Doorkeeper.

Mrs. M. V. Gessuer, Enrolling and Engrossing Clerk.

Mrs. L. J. Alley, Comparing Clerk.

J. T. Watkins, Doorkeeper Gallery.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following joint resolution.

H. R. --- Resolved by the House, the Senate concurring, That the two Houses meet in Joint Convention in the Hall of the House of Representatives on Thursday, the 12th day of January, 1911, at 11:00 A. M. for the purpose of witnessing the Speaker of the House of Representatives open and publish in their presence the returns of the election for Governor and other executive officers held in this State on the Tuesday after the first Monday in November, 1910, and to ascertain and declare the result of such election as required by the Constitution and laws of Alabama.

And sends the same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall the Senate concurred in and adopted the House Joint Resolution, set out in the foregoing message from the House.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Morrow the privileges of the floor were extended to Messrs. J. P. Tillman, Wiley C. Tunstall and Ed. DeGraffenreid for today.

MESSAGE FROM THE GOVERNOR.

Chief Executive Department, Alabama.

Montgomery, Jan. 11, 1911.

To the Senate of Alabama:

I am directed by the Governor to transmit to you the following executive message in writing.

John D. McNeel,
Private Secretary.

Chief Executive Department, Alabama.

Montgomery, Jan. 11, 1911.

To the Senate:

I herewith submit for the advice and consent of the Senate the following appointment:

Bibb Graves for Brigadier-General of the Alabama National Guard.

B. B. Comer,
Governor.

GOVERNOR'S MESSAGE.

Mr. Screws made motion that the Senate confirm the appointment of Hon. Bibb Graves for Brigadier-General of the Alabama National Guards.

As a substitute for Mr. Screw's motion, Mr. Morrow moved that said message be referred to the Committee on Rules, with instructions to report not later than tomorrow.

Mr. Screws made motion to lay the substitute offered by Mr. Morrow on the table, which prevailed.

Yeas, 20; nays, 11.

Yeas:

Messrs.:	Folmar	Plowman
Allen	Frazer	Renfro
Atkins	Godbold	Rogers
Brown, C. W.	Miller	Screws
Crumpton	Moulthrop	Sherrod
Espy	Nance	Stokes
Fite	Norman	Vaiden

—20

Nays:

Messrs.:	Kilby	Sloan
Beasley	Merrill	Sprott
Curry	Moody	Stevens
Justice	Morrow	Tunstall

—11.

The question then recurred upon the motion of Mr. Screws to confirm the appointment of Hon. Bibb Graves for Brigadier-General Alabama National Guards, which prevailed.

Yeas, 20; nays, 11.

Yeas:

Messrs.:	Folmar	Plowman	
Allen	Frazer	Renfro	
Atkins	Godbold	Rogers	
Brown, C. W.	Miller	Screws	
Crumpton	Moulthrop	Sherrod	
Espy	Nance	Stokes	
Fite	Norman	Vaiden	
			—20.

Nays:

Messrs.:	Kilby	Sloan	
Beasley	Merrill	Sprott	
Curry	Moody	Stevens	
Justice	Morrow	Tunstall	
			—11.

MESSAGE FROM THE GOVERNOR.

Chief Executive Department, Alabama.

Montgomery, Jan. 11, 1911.

To the Senate:

I am directed by the Governor to transmit to you the following message in writing.

John D. McNeel,
Private Secretary.

MESSAGE
OF
GOV. BRAXTON BRAGG COMER.

To the Members of the Senate and House:

In turning over the trust conferred upon me by the people of Alabama, there is little need of extensive statement of the principles which have guided me in the discharge of my official duties. Never before were policies so discussed before the electorate nor more unanimously concurred in than these for which I stand. There was a distinct breaking-away from the old thrall-dom that held our legislative assemblies and administrations. There was practically no disagreement on the vital issues which the Legislature enacted into laws. These laws, in trial by use, have proven constructive and have aroused the dormant energies of the State and given the citizens the right to expect higher and better conditions.

In writing the chronicles of the last Legislature, and in attempting a recitation of their conservative, aggressive and far-reaching import, their altruistic intent, the catholic embrace of the vital questions of the State, I can without hesitation commend them; the provident care of the insane asylum, the deaf and dumb institute, the boys' industrial school, the old soldiers home at Mountain Creek, the old soldiers' pension fund; the increase in salaries of the solicitors, chancellors, judges of the law and equity courts, and judges of the supreme

court, thus placing them all on a higher and better basis; the temperance laws, far reaching in their beneficent intent; the public service corporations laws; the advancement of the state along the line of unenviored and unprejudiced legislation for the protection of the people and of the property; the tax qualification laws and the advancement made in securing equality among all classes of property in carrying just assessment and burden of the State; the advancement in education; the up-building of the rural, high, agricultural, and normal schools, of the Polytechnic Institute, the Medical College at Mobile, the University, the Alabama Girls' Industrial School, and the erection of many new and splendid educational buildings.

Any of these cardinal heads can be pointed to as being the very highest and best. For uniform accomplishment, the Legislature can point with pride to all its work and upon each and every part of it the blessings of God can be invoked.

LOCAL OPTION.

The Democratic Platform in 1906 called for local option. The Legislature met and a local option law was passed. Under that law a large per cent of the counties went dry, others on a vote or limitation agreement would have gone dry. When I gave notice for the extra session of the Legislature in 1907, I was asked by many people to incorporate prohibition in the call. This I declined to do and in a written interview published at that time advised the Legislature against it, stating that our platform had been fulfilled and local option was the law, a great part of the State was dry and it was best to give prohibition a fair trial before going further. On the assembling of the Legislature, the members, fresh from the people, passed an omnibus prohibition law by a more than two-thirds vote. Previous to this, nearly all the counties by their own vote had entered the prohibition column. This bill was passed in a large measure by the friends of the administration—those who had stood by and with me in the enact-

ment of all basic laws which form the underlying protection of the State and the people. The State-wide prohibition bill was understood to be the demand of the people. The Legislature had just returned from among them. It is true that several counties, notably Montgomery and Mobile, would probably not have gone dry.

It was contended that the liquor men in wet territory were making it impossible to maintain dry conditions in dry territory. The liquor merchants were shipping and selling liquor in dry sections. Time and the courts showed defects in the first or Ballard prohibition law which made it impossible of enforcement. At the second called session of the Legislature the Carmichael and Fuller bills were introduced and passed. These bills were called drastic and revolutionary. It is a puling claim that a prohibition law which carries with it enforcement should be drastic, unsafe or non-conservative. The text of these laws carried capable enforcement and this should be the intent of every law, otherwise it should not be written. Blank cartridges are only used in mimic warfare; the real combat requires the bullet.

It has been claimed by some that our prohibition laws are impossible of enforcement. This is puerile. Given law officers, honest to their oath and capable, the Alabama prohibition laws can be enforced in any town or place in Alabama. Where there is open violation of the law in any part of the State there are officers who will not attend to their sworn duty and who have their ears and eyes closed. That prohibition can prohibit and that prohibition is well was proven during the Confederate Veteran Reunion in 1908, when tens of thousands of people thronged the streets of Birmingham and filled the town, and a drunken man was not seen nor an arrest made. It was proven to be well at the late jubilee celebration when thousands visited the city and not a drunk and down was to be seen anywhere. Personal accidents and homicides vary as the law is more or less enforced.

The constitutional amendment was offered and it brought much criticism. In incorporating this amend-

ment in the second call for an extra session my entire purpose was that it should be a referendum to the people, so they might have the opportunity of saying whether or not the sale of liquor should ever again be licensed in the State. By this amendment it was not proposed to take away from the people any of their rights. It was intended to give to them still greater rights. It was not proposed to give the law any power to search homes or to destroy the sanctity of the home, but to prevent the would-be liquor seller from destroying the sanctity of the home and of the family. It was not proposed to take away any man's personal rights except such as he might maintain to violate the law. Every man and every government agrees that liquor is bad for a community. We have prohibition by statute, and a higher ideal for home life and citizenship has been set. The State should feel humiliated that the liquor and beer manufacturers north of the Ohio River should get together in conclave and dictate Alabama's prohibition laws.

Everywhere is the demand for the highest possible talent and the highest capability.

Excelsior is needed not only in cattle, hogs and land, but in the physical and intellectual capacity of men. It was my ambition to put every property, every man in Alabama in position to attain the very best. Just as the farm has progressed from the old steer to the 16 hand mule, just as cultivation has moved from the old scooter, bar-plow and scrape-the-ground method, to the best cultivation, highest fertilization, best production, just so should Alabama encourage the youth of the State to grow into the highest productive power. Just as the Alabama-Auburn team by highest physical culture and mental training have fitted themselves to outclass any other team that they go up against; just so, as Governor of the State, I would have the young manhood and young womanhood of Alabama, fit themselves by superior physical, mental and moral training to outclass competition no matter where met, and attain the highest possible goal. Just as we would separate cholera from hogs, ticks from

cattle, black-root and boll-weevil from cotton, so should we separate from the youth of the State all that would tend to deteriorate and destroy. We encourage a man to raise the highest grade of cattle and hogs and give them the very best surroundings and feed, cutting off that which would be hurtful; the highest humanity demands that we should give the same condition to our people. In this political economy of the State government lies the hope of the future.

It is true that Alabama may have a series of years of trouble in enforcing the prohibition laws, yet so much of our country is agricultural and so little urban that the time will surely come when improved conditions are so manifest that the moral people of the state will have strength to say to the blind tigers and the wild cats and to the concomitants which trail after them, "get out."

JURY LAW.

The Jury Commission Law was suggested by the Bar Association and I think it has proven a great success, and its continued use will greatly improve the jurisprudence of the State.

PENSION FUND.

The Pension Fund for the past four years has been \$3,367,453.45, for the previous four years \$1,744,888.18. The number of pensioners in the first-class have been increased from 147 in September, 1907, to 2,245 in September, 1910, and the total number of pensioners in 1907 were 15,475 and are now 17,564. For the good of the pensioners, the Legislature divided the payments into quarters. It was thought that any accident which might come to them from having all the money at one time would be averted and it would be better to secure for them necessities by paying them in partial payments.

Because of the large increase in number of pensioners, there was a deficit in the amount paid each veteran the last quarter. This was caused not from any transfer of the pension fund by the Governor or anyone else to any other source. The constitution of Alabama makes all appropriations safe to the party designated by the law.

There has been complaint that there are a number of beneficiaries not legally entitled to pensions and that the pension roll should be purged. Without creating any new officers, I would suggest that the State Examiners of Public Accounts could verify the pension rolls of each county as they went through the State from county to county, thus easily detecting any wrong payment on what should be an honorable roll. This would be just to all and unjust to none.

The Home at Mountain Creek has been better kept; and there has been much less complaint. The amount paid for each member has been increased from \$10.00 to \$12.50 per month with \$1.00 a month pocket money. Instead of, as formerly, paying the officers out of this amount, they are now paid out of the State Treasury on direct salary. Capt. Simpson seems to have made a good commandant and I understand from reports that conditions there are very much improved.

THE BOYS' INDUSTRIAL SCHOOL.

The Boys' Industrial School at East Lake had an appropriation of \$50,000 for new buildings and \$12,000 annual increase for maintenance. This school under the management of the Board, composed of ladies to which ex. officio belong the Governor and Superintendent of Education, has been well managed and the ladies deserve great credit. I believe, however, that it should be removed to State's property at Speigners, not as an adjunct to the penitentiary but that the young men might share in all the advantages of the State's EXTENSIVE PROPERTIES. There is being built a water power at Speigners which the school could take advantage of in every kind of manufacture. The State has

there land, saw mill, cotton mill, timber, agricultural implements, fertilizer, feed and food. A trade along any of these lines could be most economically taught those boys, inmates of the home, who have gone down the left hand forks of life. They need just such training to fit them for good and useful citizenship. The property at East Lake I apprehend could be easily sold and the Trustees could nearly as easily supervise the school if located at Speigners.

DEAF AND BLIND INSTITUTE.

The Deaf and Blind Institute at Talladega had an appropriation of \$50,000 for repair of buildings and continued appropriation for increased maintenance. The method of naming the Trustees was changed from the old plan of self election and self-perpetuation and now the Governor nominates the Trustees and the Senate confirms them. Report from this institute is good and a great work is being accomplished.

INSANE ASYLUM.

The Insane Asylum at Tuscaloosa and Mt. Vernon have increased their charge upon the State Treasury to a greater extent than ever before. This increase came in a measure from the increased cost of living, which necessitated an increased appropriation from \$3.00 per capita to \$3.50 per capita per week. There has also been an increase in the number admitted to the State's care and keep. For the four years embracing 1898, the total amount used was \$618,574.45; from 1902 to 1906, inclusive, \$849,374.50; from 1906 to 1910, inclusive, \$1,219,808.20.

There is no specific appropriation to the asylum except the per capita of \$3.50 per week. Out of this appropriation the officers, nurses, cooks, medical and other attendants, superintendent, care and keep of the inmates and general expense including the buildings are all paid. In addition to this appropriation, the asylum has the use of extensive farming lands, on which much of the food stuff is raised. The trustees are self-perpetuating, themselves filling vacancies. This I understand was done to escape politics but it looks to me

that it might lead into a more serious proposition. No State official has any voice in the vouchers which are sent to be cashed at the Treasury. Neither has the State any voice in the management of the asylum except through the Legislature. In the first two years of my administration the State Treasury was drawn on in the first year for \$80,000 increase and the second year for \$120,000 increase, making \$200,000 in excess of the previous two years. I called the attention of the Superintendent, Mr. Searcy, to this great continued increased charge on the Treasury and the State's necessity of a stay in the charges. I, mindful of the condition of our State Treasury, also set the facts before the Trustees and requested their sympathetic action in the extent of the vouchers issued by them against the State Auditor. They very considerably gave me permission to attend their next meeting and discuss the question with them.

The board of trustees should be nominated by the Governor, in my opinion, and confirmed by the Senate. No voucher should be issued by the Auditor without being O. K.'d by the Governor. In other words, I believe it to be a dangerous proposition for an institution, particularly one so large as our State asylum, to be given unchecked access to the State Treasury. In addition to this, I think the pay of all the officers of the asylum and all the new buildings should be made by direct appropriation and that a per capita appropriation should be issued for the care and keep of the inmates. This statement is made on a general economic plan and without criticism or reflection on the present Board of Trustees or on their management, for these criticisms should apply alike to all the State institutions which follow these methods.

CONVICT DEPARTMENT.

The old penitentiary at Wetumpka is used as a hospital for diseased and incompetent convicts. Proper provision is made for their medical treatment and light work provided for them. The women, younger men and those not physically able to perform arduous work are sent to Speigners. They are here utilized on the

farm and in the cotton mills. The State has contracts for furnishing convict labor to farms, turpentine orchards, saw mills, foundries and mines. It has been the policy to send long termed convicts to coal mines. In following this plan, the present administration adhered to the methods used by the previous administration, the only difference being the State reserved the right to manage and keep the convicts. The most humane conditions in all departments are maintained. Every effort is made to have the food sufficient, palatable, variable and sanitary. Comfortable bedding and sleeping apartments are maintained.

There has been complaint that the convicts should not be worked in the mines because of competition with the labor in the mineral sections. The same complaint is also made that they should not be worked in cotton mills because of the competition with both the labor and the products of the cotton mills of the State, and also in the saw mills because of the competition with the labor and the same reason might be applied for the farms. Wherever labor strikes a lick in productive work there is competition with other labor and the labor on the farms, saw mills, etc., should have the same consideration as any other labor.

The State convicts are well cared for and their labor tasks are not unreasonable. Yet it is the policy of the State to maintain the labor price commensurate with the earning capacity of other laborers. The funds arising from this department have been used in the general expense account of the State and help maintain the schools, pensioners and judiciary. Should this fund be cut off or diverted, its place would have to be supplied from some other source or the interests of the State now maintained by this fund will suffer.

The State has leased out farm No. 4 for five years. The cotton mill at Speigners has been increased in capacity from 3,300 spindles and equivalent weaving and other machinery to 8,900 spindles with corresponding equipment. The old machinery has been replaced or thoroughly overhauled. This has been done at a cost of \$50,000 and the mill is now in the highest degree of efficiency.

For the past twelve months, we have been building a dam located across Mortar Creek at a point near the cotton mill. We have had a directing engineer, Dr. Kay of the University, and the purpose is to develop electrically 600 horse power with which to run the cotton mill, saw mill, grist mill, gin, lights and other development the State may wish with direct driving motors. The cost of this power developed will be approximately \$100,000. While the harnessing of this horse power, which has so long been running unused through the State property, has been costly and made at a time when we could not well spare the money, yet if the success expected is attained, it will be a great economy and use to the State.

The management of the convicts has been free from friction and every property in that department has been maintained and is now in a high degree of keep and efficiency. And facilities for the care of the convicts have been greatly increased. The net earnings of the Convict Department for the four years ending August, 1906, were \$1,118,331.09; for the four years ending August, 1910, were \$1,706,695.87.

PARDONS.

The pardoning power is one of the most important and most trying of the Governor's duties. The ordeal of denying a husband and father, evidently their mainstay and support, to the wife and children, or son to his father and mother, forms a severe test for a sympathetic nature. Unquestionably I have released some who had not fully expiated their offense against the law. In but few cases I have thought that justice had miscarried or that the sentence was too severe. On parole I have returned to their homes many young people, many aged and decrepit, some incapacitated to work, and many with large and dependent families. Those who had become incapacitated for work were not turned out because they had become a charge upon the State and were no longer fitted to render service. The State infirmary at Wetumpka gives the best attention to this class, but on the request of relatives petitioning to take them home and care for them, we have released

them to their care believing that the ozone of free air would benefit and relieve their last days. I have gone with the Board of Pardons to some of the larger prisons and have had reports from others, and in these investigations I have found prisoners who have long-time sentences, and who had served 15 to 20 years, and maintained a record for good conduct. Yet, they have been so long in the service of the State that in the old home life and among old home friends they have practically been forgotten. In reviewing pardon cases I feel sure that mistakes have been made on the side of mercy, yet in many instances the released prisoner has made a good citizen and is doing well. The pardon Board investigated closely all cases placed before them and their recommendations have greatly aided me. While in many instances I have not followed the recommendation of the Board, nor the advice of the trial judge and solicitor, yet, in all cases, with the lights before me, I have tried to do the right.

TAX VALUES.

The law assessing intangible value has reached a large amount of property, which has hitherto escaped taxation. The South and North Railroad, which has bonds, stocks and securities amounting to \$81,000 per mile on which interest is paid, had an assessed tax valuation of \$30,000 per mile. This was against the road-bed and rolling stock, leaving a large difference between the physical value and the actual value. The Birmingham Street Railway, Light and Power Company was paying taxes upon the road-bed and the cars and the power plant. But the franchise of both of these corporations, given by the city and State, the largest part of their worth and just as much a value as a horse, or land, were escaping taxation.

From this class of property, this intangible tax law encompassed a tax value of more than \$23,000,000, the annual tax of \$150,000, on which amount is new revenue, annually paid into the State Treasury.

The insurance companies which hitherto paid on a basis of one per cent. now pay on a basis of two per

cent. This puts Alabama more on a parity with other States in which they do business. This yields an increased revenue of \$100,000 per year.

TAX COMMISSION LAW.

The law creating the State Board of Tax Valuation, which is composed of three members appointed by the Governor, without placing any unjust burden upon any property of the State, has added \$113,000,000 ad valorem value to the tax values of the State. The investigation of the State Board uncovered properties, licenses and intangible values from very small to very large, which had been dodging or escaping their just share of the State's taxes. The State's Equalization Board, endeavoring to assess all property on a basis of sixty per cent. value, secured an increased annual revenue of \$734,000 in addition to the intangible revenue of \$150,000.

While the workings of this law and the commission are comparatively new, the value to the State is incalculable; and when this board has succeeded in encompassing all the properties which have hitherto escaped taxation and equalized the value of the State up to the proportion of sixty per cent., which accomplishment is the wise purpose of the law, the State revenue will be greatly increased. The tax equalization laws were prepared by some of the ablest attorneys of the State after carefully study and comparison of the tax laws of other States and has for its object the wise accomplishment of making every property of the State pay alike.

The total tax assessment in 1906 was \$374,850,032.00, in 1910 \$508,568,616.00. This assessment, which is by no means thorough, will, as the State Tax Commission more and more successfully accomplishes its purpose in equalizing values and gathering in escapes, show, without distress to any property, greatly increased values. There is a disposition everywhere to object to State, county and city taxes, and yet the aggregate sums are small, and in good results are far-reaching. In Alabama we pay more for liquor than we do for taxes. We pay seven times as much for railroad freight as we do for taxes—the one being about \$35,000,000 and the other

about \$5,000,000. One particular feature about the proposition is that the people who, most favor an increase in both the above taxes favor the least an equalization or payment of the State taxes. And yet, from the tabulation of State expenditures of the five million income it is shown what wide-spread good is accomplished from the State's expenditures.

THE TREASURY.

On December 1, 1906, the Treasury vaults contained \$915,304.40; on December 1, 1910, \$90,559. The State had borrowed on short-time paper \$300,000 and had received from land sales of the Girls' Industrial School \$258,461.75, leaving a difference in available cash as compared with December, 1906, \$1,382,806. Of the indebtedness \$100,000 was borrowed by cashing State warrants with the First National Bank of Birmingham at 4 per cent; \$100,000 by cashing State warrants with the First National Bank of Montgomery at 4 per cent.; \$100,000 from the American Exchange National Bank of New York by discounting the State's note at 3 1-2 per cent, all of which has been paid. The Constitution authorized the Legislature to pass a statute enabling the State to borrow on notes to the extent of \$300,000. The Legislature of 1889 passed an enabling act authorizing the borrowing of \$100,000. This statute should be amended so as to give the State authority to borrow the constitutional limit of \$300,000, as sometimes it might be convenient for the State to have this authority. In making the appropriation to cover the expense account of the State the Legislature had a budget of estimates on available cash before them and their appropriations were well within the estimate. The prohibition law afterwards enacted cut off the liquor license, and the franchise tax on foreign corporations was afterwards declared unconstitutional. These cut short the estimated receipts and created a deficit. It is true that in December, 1906 there was \$1,382,806 more available cash in the State Treasury than in 1910, but the following statement of the direct and cumulative appropriations made by the Legislature will show how the money was invested.

Expended For	1903-04	1904-05	1905-06	1906-07	1907-08	1908-09	1909-10	1910-11
Public Schools -----	\$1,107,855 88	\$1,124,781 60	\$1,228,393 07	\$1,253,824 99	\$1,577,416 02	\$1,830,211 10	\$2,023,473 07	\$ 2,063,426 36
Rural School Houses -----				27,302 00	38,201 89	47,967 30	51,831 55	136,861 35
County High Schools -----					5,990 00	52,010 00	62,500 00	66,000 00
Normal Schools -----	54,500 00	54,500 00	54,500 00	54,500 00	74,500 00	79,500 00	79,500 00	79,500 00
District Institutes -----					1,200 00	1,200 00	1,200 00	1,200 00
Dist. Agricultural Schools---	22,500 00	22,500 00	22,500 00	22,500 00	40,500 00	40,500 00	40,500 00	40,500 00
Total-----	\$1,184,855 88	\$1,201,781 60	\$1,305,393 07	\$1,358,126 89	\$1,737,807 91	\$2,051,388 40	\$2,259,004 62	\$ 2,887,487 71
University Maintenance ---	36,000 00	36,000 00	27,000 00	51,000 00	66,000 00	71,000 00	80,000 00	87,000 00
University Buildings -----				26,253 95	128,746 05	165,000 00	100,000 00	25,000 00
Auburn Maintenance -----	44,051 43	45,063 60	49,852 41	47,548 86	52,280 00	57,280 00	58,280 00	60,280 00
Auburn Buildings -----				11,100 00	94,596 43	63,803 57	56,500 00	-----
Montevallo Maintenance --	25,000 00	25,000 00	25,000 00	38,000 00	36,000 00	50,087 29	45,084 73	56,000 00
Montevallo Buildings -----				21,300 00	153,570 98	25,127 02	-----	-----
East Lake Maintenance----	8,000 00	8,000 00	8,000 00	13,200 00	14,075 00	18,725 00	19,700 00	18,000 00
East Lake Buildings -----				4,454 00	49,046 00	-----	-----	-----
Total Educa. Expenditures	\$1,297,907 31	\$1,315,845 20	\$1,415,245 48	\$1,570,983 70	\$2,332,122 37	\$2,501,411 28	\$2,618,569 35	\$ 2,597,767 71
School Deaf & Blind, Maint.	67,182 50	70,920 00	71,897 50	71,322 50	79,354 32	86,305 08	72,587 50	70,862 50
Insane Hospital Mainten'ce	191,444 50	208,422 50	219,700 00	229,807 50	233,069 50	316,101 50	344,662 50	325,947 70
Pensions -----	337,222 15	462,620 00	462,924 63	482,121 40	785,275 25	846,088 45	861,089 75	875,000 00
Grand Total-----	\$1,893,756 46	\$2,057,807 70	\$2,169,707 61	\$2,354,235 10	\$3,429,848 44	\$3,749,906 31	\$3,896,909 10	\$ 3,880,577 91

These moneys went to the suport of the judiciary, to the Insane Asylum, to the Deaf and Blind Institute, to the Boys' Industrial School, to the old soldiers, to the Medical College at Mobile, to the rural schools and school houses, to the establishment of high schools, to the improvement of the normal and agricultural schools, to new buildings and maintenance of the polytechnic, to new buildings and maintenance of the University, to new buildings and maintenance of the Girls' Industrial School at Montevallo. All this money if not so expended or otherwise appropriated would be in the State Treasury. The only question is, was it wisely expended? Every part of the State has received the benefit and the usufruct cannot be measured. It can be likened to the ingathering of a flowing stream, the further it goes, the more useful it becomes. This money as a benison to the State will go on forever.

IMMIGRATION.

Lately, I named R. H. Walker of Athens, Limestone county, as Immigration Commissioner and called his attention to the fact that the welfare of the State demanded that discretion be exercised in the promotion of immigrants. I also called to his notice that many homeseekers, who came from the Northwest and located in the Southern part of our State, are making very satisfactory citizens. The census shows that some of the very best farm lands of the State have decreased in population. This requires careful investigation and a remedy. I suggest the new method of farming; a change from the old all-cotton plan to diversified crops. The past two years have demonstrated that Alabama soil is well adapted to grain growing. The agricultural sections of our State have been greatly benefited on account of the increased price of cotton, and this is especially true with regard to the black belt, which is peculiarly a cotton section. The earning capacity of the farmers has grown so much greater that an inducement will unquestionably be offered, if present conditions continue, to bring about an influx of land-buying immi-

grants. This class make the very best citizens. In the mineral section of the State the wage scale has advanced and as soon as this is commensurate with the wage scale elsewhere, there will be an influx of immigrants to that section. Mr. Ward of Henry county at a farmers' meeting, when immigration was being advocated, well said that the class of immigrants we wanted were those to whom we would be willing to give our daughters in marriage, meaning those who would be easily assimilated into our body politic. I have always thought that what we needed was the watchful care and protection of our own people and that in time the natural increase would meet every demand. I would deprecate any proposed immigration that would mean an influx of non-assimilable laborers to be used to beat down the service price of our own people.

GOOD ROADS.

The people voted an amendment to the Constitution authorizing State aid in the making of good roads. I think this a most important question, and I know of no more obsolete idea than "any old road is good enough." Aside from the time killed because of bad roads, comes the wear and tear on vehicles, mules and horses. A number of the counties have made marked improvement in their public road system. Every county should follow suit, and the State should lend such encouragement and aid as your wisdom may dictate.

AUDITOR'S REPORT.

Will call your attention to the report of the Auditor and his recommendation for revenue bills, all of which are left to your wisdom and discretion.

STATE HOME FOR THE GOVERNOR.

Alabama has never made any provision for the home life of its Governor. He has been left to shift for himself during his term of office. Boarding or renting is

unsatisfactory and costly, and makes impossible what should be one of the greatest pleasures of the Chief Executive, home life and home entertainment. I recommend an appropriation for buying or building a home for the Governor, and a reasonable contingent fund for its furnishing and keep.

THE CAPITOL AND GROUNDS.

I fully appreciate that the public buildings of the State should be maintained by such care and keep as to make them the pride of its citizens. The capitol grounds, under the competent care of Mr. Deitrich, whom I cheerfully recommend to my successor, have been so beautified and well kept that the citizens of Montgomery wanted to appropriate them for a park.

The Legislature made a reasonable appropriation for the up-keep and we have tried to carry out their design.

TUBERCULOSIS COMMISSION.

The Legislature passed a law establishing the Tuberculosis Commission and providing for a Sanitarium. On account of the condition of the State Treasury the execution of this law was delayed. However, for quite awhile the Commission under the direction of Dr. Sanders of the State Board of Health, has been seeking a proper location for the sanitarium.

The Legislature also passed a law creating an epileptic colony when the Governor should deem the money available for such purpose. For reasons set forth in this Message regarding the State Treasury the establishment of this colony has not yet been made, but I feel sure that it should be done at the quickest possible time.

HEALTH DEPARTMENT.

An increased appropriation was made for the Health Department and it has enlarged every branch of its work, and is now giving the Pasteur treatment, at an immense economic help to those unfortunates who have been bitten by rabid animals.

MILITARY,

Under the Federal law and Federal help the National Guard of the State has assumed much more important functions. They are not only State troops, but National troops in case of necessity. There has been a great advance particularly in the plan and efficiency of our troops. In every case where the State has required their services it has been splendidly rendered. The target practice, resulting from a target range established by the National Government has been highly beneficial on account of the improvement in marksmanship of the men behind the gun. Again I thank the military for their loyal service to the State.

GAME LAW.

Though not as well observed as it should be, the game and fish law has accomplished a great deal for good, and while the licenses for 1909-10 show a considerable falling off, I would not suggest the repeal of the law, but that it should be improved and strengthened so as to enforce a better observance.

OYSTER COMMISSION.

Along the Southern boundary of the State there are immense oyster beds. The report was that these were being infringed upon by some of our neighboring States and also being destructively used. The Oyster Commission was created for the protection of these oyster beds. I understand the Commission has made quite a success of it, and I recommend this subject to you for further investigation and development.

ANTI-TRUST LAW.

I refer you to the report of Attorney General Garber in his recommendation for comprehensive anti-trust laws, and will call your attention to the fact that Alabama has but little protection along this line.

THE STRIKE OF 1908.

At the beginning of the labor strike that occurred in our mineral district in 1908 there was an unfortunate disposition to violate the law. There were attempted homicides; numbers of men paraded the public highways with guns of such calibre and charge as could be used only for the purpose of shooting men; inflammatory speeches were made and by violence and intimidations people were prevented from following their avocations; tent camps were established along the public highways and around corporate works; idle and vagrant negroes and foreigners who could not speak our language were encouraged by money and rations sent by organizations outside of the State. Combinations of the negroes and the foreign element with some misguided good men were formed to dominate and control the large properties of the district. There were several riots in which killings occurred; two trains were shot into and general bad conditions prevailed. I ordered in all sixteen hundred officers and men of the National Guard, under command of Col. McKleroy, Major Noble, and Lt. Col. Hubbard to the scene. I wish now to compliment these officers, their staff, company officers and men on their splendid conduct during those trying times. I notified Col. Hubbard and through him his men, that any citizen had the right to strike; that it was as much the duty of the regiment to protect the striker from interference, so long as he was not violating the law, as to protect anyone else. The men had the right to form unions and adhere together to secure better wages or better treatment or anything which they thought pertained to a betterment of their condition and that as soldiers in the service of the State it was their duty to protect and care for them. I also charged them that no man had the right to disturb the peace or create conditions where homicide would likely be committed. No body of men had the right to parade the highways carrying fire-arms with the evident purpose of interfering with, intimidating or hurting their fellow-men; inflammatory speeches were wrong; riot-

ous conditions or conduct producing riotous conditions would not be tolerated. Those persons outside the State who were directing the strike and financing it were firmly notified that we had tried negro dominance and control backed by outside advice and leadership under the old regime of the carpetbagger, scalawag and negro rule and it had proven most destructive to our State and that under no circumstances were we willing to permit similar conditions. That if the plans outlined by the strike leaders were carried out a system of vagrancy, highway robbery and a state of general unlawfulness would be inaugurated such as the State would not recover from in fifty years. I took these outside leaders in an automobile around to some of the camps and along some of the highways and showed them the conditions and how the unlawful trouble was being accentuated. In their better judgment I am sure they felt that the State's position was right. I am thankful that the strike was settled and I congratulate all parties concerned upon the wisdom of that settlement, and on the improved conditions and the restoration of the price of labor in the Birmingham district. All labor in that district is now employed and there is demand for more. The conditions of labor are greatly improved and the business and property of the mineral district, secure within the law, has an outlook of harmony and peace and prosperity for many years to come. The strike cost the State \$65,899.74.

RURAL SCHOOLS.

The rural schools under our Constitution have had secured to them a direct assessment of three mills on all of the taxable properties of the State. The constitutional limit for all assessments is six and one-half mills, so that the public schools have without statutory aid within one-quarter of a mill of one-half of the whole State fund.

In addition, the past Legislature appropriated to the public schools \$300,000 a year for the first two years and \$350,000 for the next two years, which amounts for

the four years to \$1,300,000 and made the \$350,000 a year continuous. In addition to these amounts the public schools have all the poll tax and the interest on certain funds. They also have by direct appropriation \$1,000 a year to each county to aid in the repair and building of rural schoolhouses. With the aid of this fund 616 new schoolhouses have been built and 368 have been repaired at a total estimated cost of \$500,000. The rural schools will receive for the present year a total of \$2,287,487, and the past four years a total of \$8,435,688.64 as against in 1906 a total of \$1,358,126.89, and in the four years just preceding 1907 a total of \$5,050,157.44. They are now receiving nearly one-half of the total State fund.

HIGH SCHOOLS.

The Legislature authorized the establishment of high schools in every county that did not already have a State institution and appropriated \$2,000 a year each for maintenance. The Committee for establishing and locating these schools, composed of the Governor, Auditor and Superintendent of Education, visited nearly every part of the State making educational talks and arousing educational interests. This committee set a high standard as to the character of the buildings they would accept before authorizing the school to receive State aid. The idea of the committee was that these high schools should be the pride of each county and an incentive to higher education, being semi-collegiate in character. Thirty-three high schools have been established and they now have 2,405 students. The buildings, which are valued at half a million dollars, were built by the respective communities and deeded to the State.

The establishment of these schools by the Legislature has had a wonderfully good result in awakening interest in higher education.

In addition to these schools there was established by direct appropriation high schools at Ozark and Plantersville; and Normal Schools at Moundville and at Daphne. They are all doing good work at a total annual cost of \$12,500.

AGRICULTURAL SCHOOLS.

The Agricultural Schools have an increased appropriation of \$2,000 each per annum. \$10,000 was given as an aid in rebuilding and repairing the Agricultural School at Wetumpka, which had been burned, and \$6,000 was given for rebuilding the Agricultural School at Athens, which had been injured by storm. Both of these school buildings are now among the best in the State.

Years ago some of these Agricultural Schools were diverted from their true purpose by local interests and made to do the work of local schools and were not accomplishing what the State intended and what was their particular purpose, which was to provide for study along agricultural lines, experiments in agricultural crops, directing the mind of the pupil to the improvements which could be made in agricultural methods. It has been our purpose to separate the local or town school from the agricultural school and have the Congressional District realize the true intent of their establishment. Since the schools have been separated great success has been attained and there has been wonderful development. Some of our stations have increased crops of corn from ten bushels to one hundred and twenty-five per acre and seed cotton from five hundred pounds per acre to three thousand pounds. Marked improvement has also been shown in truck farming and stock-raising.

The Agricultural Schools now have 1,209 pupils.

NORMAL SCHOOLS.

The four Normal Schools, Troy, Livingston, Florence and Jacksonville had an increased appropriation of \$5,000 a year each. They now have 1,504 pupils.

The design of these schools is to prepare the students to be teachers and it is a wonderful proposition that Alabama has now in the making and moulding of 1,500 young men and young women as the future school teachers of the State. I do not know of any greater force in motion for the good of the State.

The Polytechnic Institution at Auburn was given \$224,000 for increased buildings and out of this fund there have grown into life the Smith Dormitory, Brown Mechanical, Carnegie Library and Agricultural Hall, all splendid, well-equipped buildings. There has also been built a water works system for securing pure water, bathing and sanitation and an electric light and power system. The maintenance fund of this Institution was also increased and made permanent. Auburn now has nearly 800 students, a splendid body of young men and it is the greatest school south of the Ohio River and a just pride to the State.

At the University all the old buildings have been repaired and restored and a number of new modern buildings added. The Smith Biological Building, the Mine and Mechanical Building and the Academic Building are all excellent new structures. The water works and dormitory system have been rebuilt. The Mobile Medical College has been rebuilt and made a part of the University, and the law school has been given new quarters. We now have at the University facilities for academic, scientific, medical and legal attainments that a great many young men are taking advantage of and a great panorama of possibilities has been laid out, and established. \$25,000 a year was given for increased maintenance and \$5,000 a year additional to the Medical Department.

At Montevallo, the Alabama Girls' Industrial School shows wonderful development. It is a girls' college that has been established on a broad and superior basis and furnishes facilities for development along any chosen vocation. Nearly five hundred girls are now availing themselves of this offering that Alabama has made to the young women of the State. Every economy and provision for successful education is there offered.

In all the systems of schools which Alabama now offers to the citizenship of the State, the design is good and the success should be unmeasurable.

THE NEGRO.

Between the negro and the whites there has been less friction, fewer murders, fewer assaults, fewer lynchings, than ever before, and the negro has made advancement. This is due to two causes—prohibition, or temperance laws, and to the advance in the price of cotton—both of which tend to give him better returns for his labor and to make him a better laborer.

There is no question but that liquor is bad for the Indian and for the negro, and I, myself, believe that there is no exception—that it is bad for all.

In sections where the negro is largely in the majority the census report shows a decrease in wealth and population. In all sections, mineral and agricultural, where the whites predominate, the census shows an increase in wealth and population, thus evidencing the fact that the presence of the white race is necessary to the advancement of the negro.

As the price of cotton advances and we get better returns from farm lands and, through a diversification of crops the high price of cotton is maintained, there will be a greater disposition for the whites to go back to the farms. This will bring about better conditions among the negroes.

While the State expends large sums of money from the general tax fund on the education of the negro and the maintenance of rural schools for their benefit, there has been complaint that the negro of the Black Belt did not have adequate schools. In a measure this may be true, but it must be remembered that the negro schools greatly surpass the white schools in that section of the State. In the precinct where I was reared, near my father's old home there is a negro school which had 105 pupils last year, while the white school in the same locality had only 5 pupils. The negroes take quite a bit of interest in the schools and I trust much good will come from it.

We have the State Normal School at Montgomery with Prof. Patterson at the head of it, with 1,003 pupils; the Tuskegee Normal & Industrial Institute with

Booker T. Washington, principal, with 1,622 pupils; the Agricultural & Mechanical College at Normal with Prof. Buchannan, principal, with 312 pupils. All of these schools receive State aid and seem to be doing good and effective work. A small part of the money used by Booker Washington's school comes from the State, but the largest part of the expense is borne by donations received as the result of his personal energy. We have other negro schools under the control of religious denominations from the North, which we trust are doing good work. I do not agree with the claim that education of the negro is bad. I believe that as the mind is developed and expanded by education, no matter what the race and its previous condition, that every capacity is made better and every faculty improved. This statement is made regardless of many individual cases that may go to prove the contrary.

THE HARBOR AT MOBILE.

The Merchants' Exchange at Mobile has taken up the question of the right of the State to control and regulate the docks. Complaint was made that the Mobile & Ohio and Southern railroads did not extend to the independent shippers the same rights that they extended to certain connections shipping into and out of their docks, making it practically impossible for the independent docks, business men or shippers to compete in the trade going out of the port of Mobile. The State was requested to maintain its riparian rights and to regulate the charges, conduct and terms of the owners of the docks doing business there. In opposition, the Mobile and Ohio and Southern railroads plead that the docks was theirs, that they built up the export and import business and that they had the right to make their own rules and regulations, citing what the L. & N. had done along the same line in Pensacola.

This is, in my opinion, a most serious question. The harbor at Mobile, or any part of it, should not belong uncontrolled and unregulated to any railroad or individual whatever. The harbor at Mobile does not belong

to the City of Mobile; it does not belong to Alabama; it does not even belong to the United States. There should be maintained there a right for every shipper, for every commerce and this should be to the best interest of every shipper or corporation that constructs a dock, because any different course would bottle up or throttle the catholic use of the great port of entry. The value of Mobile Harbor to the commerce of Alabama, to the United States, to the world cannot be calculated. The Lord has laid from the mouth of the harbor connections with the farthest commerce of the world. The government of Alabama should demand from the Federal Government that the channels into this great port of entry be deepened to the depth of any shipping vessel.

I will call your attention to the fact that President Taft in his message to Congress recommended the passage of a law prohibiting interstate commerce railroads from owning or controlling ships that carry commerce through the Panama Canal, giving as a reason that such a policy would create a monopoly and destroy competition. If this is a danger, and it is, in the Panama Canal for the world-wide inter carriage of freight, how much more to be avoided by every legal means is the control of the Mobile Harbor by the railroads? I cannot too strongly recommend to the incoming Legislature the importance of this proposition and the danger involved. It may look small today, but the time will speedily come when it will be one of the most important questions before the State; one which the railroads should not be allowed to smother, conceal or control.

Previous to this administration, there was practically no restriction on railroads, express or other public service corporations, on their freight, passenger and express tariffs or on their rules governing their relation to the shippers of the State. Out of this had grown onerous conditions. Freight, passenger and express rates were high, the method of freight classification crude and one-sided, the demurrage laws and the weighing inspection rules tyrannical, the method of settling

claims for lost and damaged freight dilatory and destructive, the custom of removing suits at law from the home court to the Federal court, which court was frequently distant, made it practically impossible on account of the increased expense, delay and hardships for the poor man to go to law to have a settlement of a claim against the railroad.

Greater than all these, the railroads kept a paid attorney in the lobby at the Capitol while the Legislature was in session, not for the purpose of practicing law, but to vise and control all lawmaking. They also maintained a regular pass-giver whose business it was to environ and control as far as possible with passes and favors those who were attempting to shape the policies and politics of the State.

Even during the past session of the Legislature, the President of the Louisville and Nashville Railroad bugled through the State calling the business men to come with him to Montgomery to go to the Capitol and demand that the Legislature adjourn sine die, advertising that the Legislature was dangerous and destructive to the business interest of the State. This attempted arousing and proposed revolutionary conduct was taken because the Legislature, patriotic and fair, was enacting laws for the protection of the citizens and for the care of every property alike. It was regulating on an equitable basis the conduct of the public service corporations towards the citizens and abating in some measure by law their excessive charges and establishing an equitable basis for the adjustment of all relations between the people and the public carrier of the State.

In the excitement of the moment, the Legislature was called by some people demagogic, railroad-baiting, revolutionary, anarchistic, and it was claimed that the laws were drastic and would prove destructive. Time has shown the error of all these contentions. The laws have proven conservative, aggressive and constructive.

It has been said that no man was good enough to own another man. Along the line of this aphorism, the Legislature believed that no corporation could be trusted to own the State or its people and that the salvation

of the business of the State, even of the State itself, demanded that exact laws limiting the charges and the conduct of the public service corporations should be enacted and that from this would come the safety of both the people and the public service corporations.

In my opinion, all this has been accomplished and it would be most dangerous for the State to recede one iota in the protection of its citizens and its integrity.

Even now the papers report that the L. & N. Railroad will not increase salaries until the State suits are settled, intimation being given that if the suits are decided against the railroads and the rates are maintained, then there will not be any increase in salaries. This notwithstanding their own published reports show that they are making more net revenue than ever before. A petition will be presented to the Legislature—I do not know under what factotum—to allow an increase in freight rates so that railroad employees can get better wages. I will call the attention of the employees to the fact that this increase in freight rates will come out of the laborers' pockets—laborers that are poorer than they, and who will eventually compete with them for their jobs. From this increase in rates the employees of Alabama railroads will get the least part. By far the greatest part of it goes out of the State to fill the insatiable cupidity of what is known as the allied or special interests. The real effort of the traffic managers of the Central and the L. & N. Railroads, and of all the railroads, whose securities are far above their value, is to pay interest on those securities. As sure as doom's day, the price of labor, no matter where, is not permanently increased by statutes, but is regulated by the inevitable law of supply and demand, and whatever increased tax the railroad employees may help the railroad authorities to secure from their brother workers in the State, they could not possibly make with these same employers any agreement not to put the wage scale on a basis of supply and demand nor on what a combination or union of employees can secure and maintain. The increased freight rates are a lure to cupidity, with no more body than the false fly or minnow which fishermen cast for trout.

RAILROAD RATE REGULATION.

To secure to the people fair and equitable treatment and reasonable rates the Legislature enacted:

1. The law regulating demurrage charges and providing penalties.

2. The law fixing the measure of damages and securing the prompt settlement for lost and damaged freight, stock killed, and providing penalties.

3. Fixing the principles for tax values for railroads, telegraph, and express companies, so that they should be taxed on the same principle as other property.

4. Anti-pass law prohibiting the giving of passes except to bona fide employees of the railroads. For years passes had been used as a corrupting and environing influence.

5. Providing for revoking licenses, removing suits from the State to the Federal court. This law was made to secure the poor man from practically being disbarred from the courts by reason of the removal of the cases from the county or State court to the Federal court. Many times the removing of such cases to the Federal court on account of the distance and delays of said courts and cost of attending witnesses so increased the cost of the suit as to render it practically impossible for the poor man to secure a fair settlement of his claim. Even to the well-to-do man it was practically impossible to have the case tried by law.

6. The law increasing the powers of the Railroad Commission and enacting all of the very comprehensive and enabling statutes whereby the Railroad Commission can prevent any unjust discrimination or charge by the railroads of the State and also secure for all patrons of the railroads fair and just treatment.

7. The classifying of railroad rates, establishing by law the then present rates as a maximum which could not be changed to a higher rate except by order of the Railroad Commission or the Legislature.

8. The law reducing passenger fares from 3 to 2½ cents per mile and reducing the freight rates on 110

articles of common production, consumption and use, and putting them on the same practical basis as has been for many years the rate on the same articles on the same class of railroads in Georgia and many other States.

Against the operation of these last four articles, the railroads secured injunctions from Judge Jones of the Inferior Federal Court. On the very day that the maximum freight rate law was passed by the Legislature and before it was signed by the Governor, the L. & N. railroad without notice to the shippers largely increased freight rates. The Attorney General, Col. Garber, assisted by Messrs. Selheimer and Weakley, defended the laws before the Federal court and relieved from the injunction the maximum freight rate law, thereby restoring the rates to the original basis, making the law as it was intended a protection for the shipper against arbitrary increases by the carrier.

Judge Jones decided against the State law transferring the power of the Legislature to the Railroad Commission to make and establish freight charges and rules governing the conduct of the railroads toward the citizens and property of the State. He also granted injunctions against the two and one-half cent passenger rate and the laws reducing the freight charges on 110 articles of common production, consumption and use and against the law forbidding the transferring of suits at law from the State courts to the Federal courts, commonly called the outlaw act.

The Attorney General and his assistant counsel, Messrs. Selheimer and Weakley, appealed from Judge Jones' decision to the Federal Appellate Court, sitting at New Orleans. The Appellate Court dissolved the injunction and ordered that the passenger and freight rates should be put on trial, stating that a fair trial would best prove whether or not this decrease in passenger and freight rates would prove hurtful or confiscatory. The railroads appealed from the Appellate Court's decision to the Supreme Court of the United States, still contending that when the rates were put on trial they would prove confiscatory and destructive.

The Supreme Court decided against this contention of the railroads and all the rates were put into effect on June 1, 1909. While these suits were still pending in the Inferior Federal Court, the Frisco, the Illinois Central, the Alabama Great Southern, the Seaboard, the Atlantic Coast Line, the Mobile & Ohio Railroad and the Southern Railroad all settled their contentions with the State by withdrawing their suits and putting into effect the rates contended for by the State and asked Judge Jones, of the Inferior Federal Court, to dissolve the injunction and dismiss the cases. For all this, they were soundly lectured by Judge Jones, practically the only instance on record where a court took such action with plaintiffs who were appealing for a dismissal of cases instituted by them.

When the date set by the court for the trial of the injunction proceedings against the solicitors, sheriffs, the Railroad Commission and other State authorities to show cause why they should not be finally enjoined for any attempt on their part to enforce the State laws against the railroads came, and the Attorney General, Alexander M. Garber, and his assistant State counsel did not appear, the Attorney General received a telephone message from the court requesting his presence. Then he appeared before the court and stated that it was not from any lack of respect or consideration of the court or the presiding judge that the State's counsel had not appeared in defense of these cases; but that the Attorney General and the State's counsel had decided not to appear because the court had previously, within a day or two after having granted the restraining order against the State officials, issued an elaborate deciding opinion of the case and the same was published in Louisville, Ky., and distributed throughout the State before the counsel for the State had been given an opportunity to argue the questions involved in the case, and before the date set for the hearing, which judicial conduct, so far as he knew, was unprecedented, nevertheless, which opinion the Attorney General and counsel of the State considered final on the part of the court and thought any argument on their part at this time would be utterly futile.

Having made this statement, Attorney General Garber asked to be excused from further attendance upon the court, which request was granted by Judge Jones, and the Attorney General returned to the Capitol.

The Central of Georgia, the Western of Alabama, the Louisville & Nashville, South & North Alabama Railroad Co., and the N. C. & St. L. were alone in continuing to contest the right of the State to establish passenger and freight rates, to delegate the legislative power to the Railroad Commission or the State's right to put a restraining force on the railroad, and also contesting the legislative made rates on the 110 articles and the 2½ cent passenger rate.

The Federal Court of Appeals decided that the State through the Legislature had the right to make passenger and freight rates, provided said rates were not confiscatory. They also decided that the State had the right to delegate power to the Railroad Commission to make rates and to make rules governing the conduct of the public carrier toward the citizen and to exercise along these lines such power as the Legislature might give to them by statute.

This decree in favor of the State in these causes is alone worth the whole cost of the suits. The State now has unquestioned power along these lines. This power, given by law to the Railroad Commission, when properly exercised will be of inestimable value. Under this decision, the law establishing freight and passenger rates was put into execution on the contesting railroads on June 1, 1909.

On August 30, 1909, Judge Jones, of the Inferior Federal Court, appointed Mr. W. A. Gunter, Sr., as Master with directions to take evidence for the Louisville & Nashville, the South & North and the N. C. & St. L. in their contention to show that the State made passenger and freight rates were proving confiscatory and also for the State in its contention that the rates were not confiscatory. The evidence in this case, at the instance of the railroad, did not begin until the following January and was started then in Louisville, Ky.

On the first of March, while Attorney General Garber and Messrs. Selheimer and Weakley were in Louisville trying the case before the Master, W. A. Gunter, Sr., Judge Jones ordered that the Central of Georgia and Western cases should be taken up at once, Judge W. S. Thorington having been appointed Master. These cases, at the railroads' instance, were taken up before the Master in Savannah, Ga., which necessitated a division of the State's attorneys as the two trials were going on, at the same time, one at Louisville and the other at Savannah. Attorney General Garber, taking Judge Weakley with him, went to Savannah, leaving Mr. Selheimer alone in Louisville contending against one of the strongest corporations of the country and against as strong an array of legal ability as money could hire. The division of suits and the wide separation of the places where the trials were going on, placed the State's side of the causes at a great disadvantage. Attorney General Garber and Messrs. Weakley and Selheimer had been with the suits from the very beginning and by experience, study and consultation were familiar with the workings and the facts and the necessities of the case. A new man, however competent, could not be jammed into the suits as it would have been impossible for him to acquire quickly a full comprehension and a measuring up and complete knowledge of the facts in the case, which their importance demanded.

There was probably no design on the part of the Judge to weaken the State's side by forcing the two trials to come on at the same time but there was no consideration shown the State's interest in these cases. At best the State was at a great disadvantage. It had been necessary for it to get the larger part of its evidence from cross-examination of the railroads' witnesses and from railroad figures.

But standing out in spectacular contradiction of the claim of the railroads that the rates were confiscatory and destructive have been the increasing gross and net earnings since the operation of the laws. The railroads which adopted the rates at the beginning show increas-

ed earnings. The Central of Georgia railroad, which is still contesting the rates, shows increased earnings in every department month by month. The Western shows large increased earnings and never in the history of the South & North and the Louisville & Nashville have they had so much gross earnings and net revenue.

To a business man, these increased earnings are an unanswerable argument that the State's rates are not destructive or confiscatory. On the common ground of equity, it looks as though the suits against the State rates should be dismissed. The Age Herald, the morning daily newspaper of Birmingham, sometime ago commented upon the large increased earnings of the Louisville & Nashville Railroad and said that it would be a good thing if some one would confiscate them again, and so it appears.

Last year before the Louisville & Nashville had even completed their testimony before the Master, when the State had not had the opportunity to offer a particle of evidence, when the Master had not made and could not have made a summing up—a report—when every statement of the railroad showed increased earnings, when every external evidence showed splendid prosperity, attorneys for the Louisville & Nashville went to Judge Jones and petitioned that he should reinstate the injunction and restore the rates. Attorney General Garber and his associate attorneys were summoned to appear before the court on the Fourth of July and show why this should not be done. And this hearing was held in the face of the fact that a recently passed Federal statute, which provided that injunctions against state statutes should be issued by three judges sitting together instead of by one, would be effective in a little over thirty days from that time.

Possibly this did not influence the Judge in calling on the State to show the reason why the injunction should not be reinstated but it was, to say the least, suggestive and to the unenviored man inopportune. I heard that the Judge was advised that such proceedings would not do and for the reputation of our courts, I thank God it was not done and the cases are still proceeding in the regular course for a decision.

Attorney General Garber in all the State's railroad cases and all its other legal business has been untiring and has rendered most patriotic and capable service. His able assistants, Messrs. Selheimer and Weakley, have been associated with the State's suits from the beginning. They have surrendered their other business to meet the continued demands of this work for the State. They have been uncomplaining and untiring and accomplishments along this line have been most brilliant.

It is true that the cost of these suits both as to attorney fees and court cost have been large. It has cost for the State for attorney fees \$46,883.21, for court cost \$27,676.54.

Yet when you consider what the State has gained in its determined stand for the rights of the State in the protection of the producer and the consumer and what it has saved every class of citizen, small indeed is the cost and great is the reward. If this administration has accomplished nothing other than to settle the question of the State's right to dominate and control every property alike, to prove that there is no power within the State greater than the State, that the Legislature has the right to enact laws uncontrolled by any interest, that the Governor has the right to insist that every law of the State be obeyed by every property and every individual, it would well be cheap at the price.

As the result of the above legislation, the State's claims are promptly settled, demurrage is no longer a terror; outrages of the weighing and inspection bureau have been stopped; the 2½ passenger rate and the decreased rate on 110 articles of common production, consumption and use are in effect; the express rate is much lower and friction between the people and the railroads is greatly decreased. Every carrier and every shipper has been benefited.

Our last Legislature did not have a Third House, otherwise, a railroad attorney, to dominate and vise our laws. The State within the Constitution has maintained as far as possible its integrity.

INTERSTATE FREIGHT RATES.

When the interstate freight rates of the Southeast were advanced by the railroads on classes B, C, D, and F in 1908, the Alabama Railroad Commission joined in with the Railroad Commission of Georgia in attempting to secure an injunction through Federal Judge Emory Speer of Georgia against these advances. Judge Speer granted an injunction, which injunction on appeal by the railroad companies was set aside by Circuit Judge Pardee and the cases were referred by him to the Interstate Commerce Commission to decide whether or not the advance was necessary. When the first notice of this arbitrary advance was given, at the instance of Attorney General Garber, I sent Judge Weakley and Mr. W. D. Nesbitt of the Railroad Commission, to Lenox, Mass., where Attorney General Bonaparte was spending the summer, for the purpose of trying to secure through him an injunction against this advance. Afterwards I went to Washington and interviewed President Roosevelt and Attorney General Bonaparte, stating to them that Alabama was at that time bound by Federal injunction against any decrease in rates, and asked help of the Federal Government to restrain the railroads from advancing arbitrarily the interstate freight rates. I attempted to show them that there was a conspiracy of the railroads of the Southeastern territory to stand together for the purpose of advancing rates. Attorney General Bonaparte, I think, advised the President not to interfere. Whether the President advised the railroads to desist, I know not, but the railroads stopped any attempt at further advance.

This last year when the railroads of the North and Northwest attempted in the same manner to make arbitrarily a general advance of interstate freight rates, Mr. Wickersham, the present Attorney General, secured an injunction against this advance by all those roads. Under a recently enacted Federal law advances in rates can no longer be instantaneously and arbitrarily made, but have to be submitted to the Interstate Commerce Commission, and if need be, to the Inter-

state Commerce Court, and have their approval before going into effect. The trial of the proposed increase by the Southeastern Tariff Association came up before the Interstate Commerce Commission, Attorney General Garber and Messrs. Weakley and Selheimer representing the State. The increase was sustained by the Interstate Commerce Commission. This, notwithstanding that the old rates had been in full force for many years and had proved remunerative.

The railroads of the country are now conspiring to advance freight rates over all interstate roads. The Caesars, in their edict levying a world-wide tax, never dreamed of such vast loot as this contemplated increase of freight taxes. It is said to involve many millions annual increase tax on the production and consumption of America—nearly as much as it takes to run the government.

The railroads, anticipating a general disposition to have their charges reduced made a counter move to increase their charges.

At the climax of a battle Napoleon once ordered a drummer boy to beat a retreat. The young fellow responded that he did not know how to beat a retreat, but that he could beat a charge. Bonaparte ordered the charge and won the battle. The railroads are beating a charge; making the claim that the advanced cost of living, of supplies, of labor, the necessity of double-tracking, building extensions, increased transportation facilities, etc., make it necessary to increase their freight charges. Previous to this, they issued many millions—billions—of dollars of watered stock upon which they were trying to pay interest. Against any surcease of interest charge is interposed the claim of innocent purchasers of such stock. When a new development becomes necessary, in any other business except that of the railroads, the owners pay in new cash, but in public service corporation every advance in the frequently increased value of property is capitalized and securities given to the stock-holders. The revenue to support same is taken from the public. If this double-tracking, extensions, etc., are made at the cost

of the public, then these in turn will be capitalized, securities given to the stockholders and the public required to pay interest on the amount. If the public participated in the advantages derived from these continued improvements made at the cost of the public, then there would be a shadow of an excuse for the increased charge. But in all advancements, by donations from the government and taxing the public, not only to build, but to pay interest on same, the railroads alone secure every advantage.

And now to secure from the Interstate Commerce Commission and from the Interstate Commerce Court permission to increase their freight rates, the railroads have formed a combination, a trust, which is the biggest and most comprehensive trust ever formed. Evidently the first agreement among them was that they should buy as little as possible of every necessary supply, lumber, iron, and general equipments, so that they could distress business. They recognized the fact that business has no virtue and that it will cohabit with any proposition that will bring it quick returns and increase dividends. The railroads hold out to general business a dearth of orders unless the freight rate increase is granted. Not only is this seduction of business done, but lures of increased opportunity and larger pay are held out to the labor unions. Not only this, but the press as far as possible is subsidized and advertisements in the shape of editorials appear in every possible paper and magazine setting forth the great necessity and big advantage to the country at large if they are allowed to increase their rates, and the distress which will come to every business and every property if these rates are not allowed to be increased. All of the above and many other lures and coercions are being played and practiced on the people at large for the purpose of influencing the Interstate Commerce Court to allow this increased tax levy of many millions of dollars upon the shippers and consumers.

The money to meet this annual levy of many million dollars and which will multiply into billions as years go by, will have to be taxed from the people and from

labor. Money, unlike railroad securities, cannot be manufactured over-night; it cannot be set afloat by a meeting of half a dozen men from Wall street; it does not pour down like the golden sands of Pactolus; nor is it to be secured like Solomon's treasure by sending ships to Ophir. It must be taxed from the labor of America. Labor and land are the progenitors of production. Primarily, production, secondarily, consumption, pays this increased carrier's tax. The people and property who pay this tax are the people and property least able to pay it—the producer and consumer.

Mr. Wilson, Secretary of Agriculture, has said that the farmer is underpaid. Mr. Hill, President of the Northern Pacific, who lately divided many million dollars excess earnings among his stockholders—facetiously called cutting a watermelon for their benefit—is now a pessimist urging and arguing an increase in freight rates, and yet he is on record as calling attention to the depopulation of the farm and the lessening of agricultural products compared with the general increase in the population of the cities. All America has recognized this condition and the cry is back to the farm. This increased freight tax will fall in a large measure on the farmer. In fact one of the presidents of a big western railroad system in giving evidence before the Interstate Commerce Commission in favor of increased freight taxing, had figured out how much the increased tax would cost per acre to the farmer and suggested that the railroads were entitled to this increase as the farmers were more prosperous than they had ever been. On the demand of the California lemon raisers Congress increased the tariff on lemons 15 cents per crate. Immediately afterwards the transcontinental railroads advanced their freight rate 15 cents per crate on lemons, saying it justly belonged to them. Never perhaps in any age has the public service tax gatherer so closely watched what the product would stand, and never before perhaps have the oligarchs of special interest so closely calculated the charges that the production and consumption would stand. Cotton is sold plus the freight to Liverpool, China, Japan, and South Amer-

ica. The farmer gets the net price. Grain, meat, wheat are sold on the same general basis, and the net price of flour on the same basis on the competitive markets of the world. Any increase in freight comes out of the price paid the producer; any unjust charge placed upon them, is just that much taken from the pocket of necessity.

When union labor petitions for an increase in freight rates that they can get better pay; when business petitions for an increase in freight rates that they can get better conditions; when life insurance companies, bankers, trust companies and manufacturers petition for increased freight rates that they can get better conditions, it is simply a petition for an increased charge on that basic part of the body politic which is the underpinning and foundation of all business.

Back to the farm is now the cry of America, and why are not the farmers and their progeny wise enough to stay on the farm if conditions there are better than elsewhere? Why do not some of these same people who are crying for an increase in public service corporation charges, for that conservativeness which allows big interests to have their way, take their own families back to the farm? Why do not insurance men, merchants, brokers, bankers, go back to the farm? Why is it against the law for national banks to take mortgages on farms? The farm industry is the genesis of business and the nursery of labor. In the last analysis the question is not how is Wall Street, how are the railroads, but how are the crops? The crops are the true barometer of all business. The farmer boy arriving at young manhood becomes dissatisfied with farm conditions and leaves the farm to go out in the world striking for a higher success. From the nature of his environment and development he excels the city boy or man and takes his place. It is this mass of people in the aggregate leaving the country and going to the town which depletes the farm supplies which are necessary to the world's use, and comes in contact with union labor, with skilled mechanics, street car conductors, clerks, etc., and replaces them, reminding us of the great horde

of Goths tiring of the dearth in their own homes crossed the Danube and the Alps and went down into sunny Italy, and possessed that prosperous wealth-filled country. Every distress possible should be taken from the farm and the farmer in order that these conditions should not prevail. They should have the utmost protection and encouragement of the law, and should be made as prosperous as possible. When such conditions prevail the farmer boy will have sense enough to remain on the farm. The special interests, the trusts, the public service corporations, in my opinion, exercise very short-sighted policy not to recognize the true political economy of these statements. The Governor, the Legislature, the Federal representatives, the courts, State and national, the President, himself, should be keenly alive to this great proposition. When the ten tribes of Israel went to Rehoboam for relief, and asked that their taxes be reduced, the young king repelled them, saying that the weight of his little finger would be heavier than all his father's taxes. The original charter for the Georgia Colony carried the aphorism "*non sibi sed aliis.*" When a government is run "*non aliis sed sibi,*" whether for one or multiplied interest, then it does not take the prophesy of an Elijah to say to Ahab and Jezebel you have taken Naboth's vineyard and to warn of the decay and destruction of the kingdom. The Lilliputians of the land, the farmers, laborers and small merchants should have the full protection of the government. To this end both the Legislature and the administration have untiringly worked.

FEDERAL COURTS.

Between the State government and the Federal, district and circuit courts within the past few years there has been friction. Not only is this true in Alabama, but in other States, notably, Minnesota, Nebraska and Missouri.

In a dissenting opinion in the Minnesota railroad case, Justice Harlan took the position "that the Supreme Court had reversed itself and made new laws re-

garding State rights and State sovereignty; that this decision of the Supreme Court negated the Eleventh Amendment to the Constitution and relegated the sovereign States to a condition of provinces." So fast has the evolution and revolution been towards centralized government and Federal control that the doctrine of State sovereignty is becoming ancient history. What will be left to the States in the measure of sovereignty is still in progress of settlement.

Judge McCall of Memphis in declining to enjoin the liquor sellers from violating the prohibition laws, stated that the enforcement of the prohibition law properly belonged to the State and not to the Federal authorities. THIS decision was correct, but it is an isolated judgment in favor of State rights. Yet even there State sovereignty was being opposed by the Federal government selling liquor licenses in prohibition territory, encouraging thereby liquor dealers to violate the State law.

At the same time the Federal government was employing detectives and deputy marshals to search thoroughly every section and arrest illicit distillers and, without warrant or trial, destroy their property. Again, at the same time the government was declaring and maintaining prohibition in the Indian reservations because liquor is hurtful to the Indians. Nothing of righteousness, consistency or comity can exist between the States and that Federal government which, through its Congress, because of the jim-jams of politics, maintains such an illogical, unfair policy. A great many more serious questions affecting the rights of the citizens and their protection, are now being decided by the Federal Supreme Court, by the Interstate Commerce court, the Interstate Commerce Commission, and by federal circuit and district courts. In fact these federal courts are now in the largest measure making the government and the laws of the land.

The special interests, recognizing the power of the Federal courts and of the Federal government are encouraging the unfortunate disposition to substitute the authority of the Federal government for that of the

State government and are looking far ahead to have selected for places on the Federal courts strong men, conservative men, men partisan to their every interest. The claim that a strong conservative man could be environed or prejudiced along a given line of property holdings is by many called demagogic and anarchistic, and yet the interest which classes such claims as demagogic, is most active, alert and far-seeing in endeavoring to get environed men into these positions. What could have a stronger influence over the limitation of Federal supervision or control of special interests, of trusts, of interstate freight, limitation of state control, than the members of the supreme court the federal judiciary, the Interstate Commerce Court, and the Interstate Commerce Commission. What could be more important to these great interests than to have the members of these courts of known corporate environment? In every instance of a vacancy or new creation of office, the interests are there with their man, and I apprehend it is most difficult for the appointing power to escape their environing, coercive and seductive power. The danger to Laocoon and his sons from the deadly folds of the monster serpents which came swimming across the waves of the sea was but little greater than the above influence on the national appointing power. How often is it that during the consideration of an appointment, or immediately after one is made and given out, that Wall street, that symbol of all special interest and corporate power, is known to have favored the appointee?

Four years ago a federal, district or circuit judge could practically tie up a state Legislature. In Alabama, four years ago, the judge of the inferior federal court made of himself a czar of our laws. The Duma of the Russians in its first attempt at legislation for a constitutional government was not treated with more contempt by the czar than was our Legislature in their attempt to legislate against the power and dominance of the railroads.

Giving the Judge the credit for believing that our laws establishing the 21½ cent passenger rate and reduc-

ing the rate on 110 articles of common production, consumption and use, were confiscatory and destructive; that it was his duty to interpose the power of the federal government to protect the great railroad property of the state, yet it was a dangerous proposition to put within the power of one man—a man who could have passed his life in the employment of one of these railroads and could have always been their partisan—the ability to tie up the legislation of a sovereign state, two and a quarter million people—and bind every officer of the state, every citizen of the state, and threaten them with dangerous penalties, with heavy fines and jail sentences which could be imposed without trial by jury, but simply by citation from the Judge, himself. The State was advertised to the world as being in a most riotous condition, arrangements were made for federal troops, and this Judge was advertised as the great salvator of the railroad properties of the State, as against railroad-baiting, and railroad confiscating by the Legislature of the state, etc. To say that the state was stunned, humiliated, is putting it mildly. This was done notwithstanding the attention of the court was called to the fact that a less rate, passenger and freight, than Alabama was asking, had been in full force in Georgia, Carolina, Virginia, Iowa, Wisconsin, Illinois, and other states for years, and that conditions in Alabama are just as good as in those states. On the appeal of the state to the Federal Appellate Court at New Orleans, that court set aside Judge Jones' injunction and the laws and rates were put in operation, and have been in full force for many months, and have proved not destructive, but to the contrary, for every railroad has prospered thereunder. I cite these things not in any prejudice towards Judge Jones, but to show the danger of having one man affected by Brobdingnagian hallucinations possessed of such unmeasured power, and yet so envired as not to realize that a free, federal government should so exercise its power within the bounds of all the states as to maintain the love and respect of the states and never, except in dire extremity, incite their fear or subject them to humiliation or degradation.

In enjoining those statutes that were enacted by the Legislature at its first extra session for the purpose of securing the enforcement of the laws regulating railroads, much buncomb was made of the would-be excessive fines and penalties which might be imposed for non-compliance with the law. In the writs of injunction the Judge, himself, *ipsi dixit*, declared the most sweeping penalties, nothing less than fines and jail sentences against every officer and citizen of the state, if any or all of them failed to comply to the fullest extent with the full text of the injunction issued from this court. In fact, one of our distinguished citizens, Hon. H. B. Steagall, Solicitor of the Third Judicial Circuit, was cited to appear before the Inferior Federal Court for idle words spoken in jest to a deputy marshal 100 miles distant from the court. The intolerance of the laws regarding penalties, though it was only intended that the statutes should be obeyed, was stressed and exploited by the court, and, yet, the same Judge, in issuing the injunctions, advertised that the severest penalties, both as to fines and imprisonment on every class of citizen and officer, would be imposed. When the Appellate Court set aside the injunction of Judge Jones' Court, there was no parade of penalties, no parade of judgments for violations of the order, yet those penalties were fines and jail sentences. The rates were put in. There was no confiscation nor hurt that followed the putting in of the rates; I doubt if any one other than the learned Judge himself ever thought there would be. In making this statement I am not animadverting against the power of the courts nor against penalties for violations of their decisions, but am simply trying to call attention to the too common and too easy contempt of State laws. I am sure that very many will agree with me that the Judge of our Inferior Federal Court has helped to bring this about. I feel further assured that this is not the policy and should not be the policy of the Federal or any other government.

The attempted railroad injunctions in Alabama were a travesty on justice and a virtual suppression of the claim of the Legislature to enact reasonable statutes

restraining the charges upon the people. The Federal Congress recognized the impropriety of too readily granting injunctions against State statutes and they passed a law last year which provided that writs of injunction against State statutes should not be issued in future so easily, and except in extreme cases, three judges, instead of one, should sit together to hear arguments asking for preliminary injunctions.

Lately when the President of the United States was naming a chief justice of the supreme court and associate justices, judges of the interstate commerce court and the members of the interstate commerce commission, he was asked by a number of republican senators, denominated "insurgents" by reason of their firm stand for the rights of the people and against the "standpaters" or conservatives—to give the people in these appointments men unenviored by special interests, and men who had not passed long years of their lives in the employment of the public service corporations; to give them men of enlarged views who would recognize the rights of the people; who would most carefully vindicate the true ends of justice and the protection of the people. This request was timely and important and should have exercised a deep influence upon the president, and we hope such influence guided him to some extent at least in his recent judicial appointments. For certainly it will be admitted that the farmers, laborers and small business men represent a large majority of our people, and their protection is a most important feature of our government. The question of national policy is not to secure to some interest more millions, but to secure to all the people equal opportunity and a fair and just return from their labor.

I think it well to direct your attention to the following taken from the Attorney General's Report:

"Almost coincident with the enactment of the statutes prescribing the rates complained of, a general business and industrial depression, known as the panic of 1907, came upon the country. The effect of this panic was peculiarly severe on all railroads and resulted in a large reduction in their operating revenues. These

changed conditions, following what had been a period of unprecedented prosperity for the railroads of the entire country, including those engaged in contesting the validity of these statutory rates, may have caused some doubt in the minds of friends of rate regulation as to the wisdom or policy of attempting to enforce the statutory rates. But conditions again changed, pending the appeal of these cases by the State to the Circuit Court of Appeals, and by the time the decision on the appeal was rendered, reversing the lower court and dissolving all injunctions against the State rates, the volume of railroad traffic was almost as great as it was in the most prosperous years. This increase in traffic, combined with wise economies in operation and management taught by the panic, made the net earnings from all business in Alabama of the railroads contesting the statutory rates *greater* for the fiscal year ending June 30, 1909, than they had ever been for any year in the history of the roads. Since the putting into effect of the rates complained of, the net earnings of the contesting railroads have continued to increase with the result that for the fiscal year ending June 30, 1910, *during which period the statutory rates were in force, the net earnings from all business were much greater than they had been for the year ending June 30, 1909.* Certainly, so far as concerns the net earnings from all business in Alabama, these roads have not felt any injurious effect resulting from the alleged confiscatory rates complained of.

And yet in May, 1909, pending the decision of the Supreme Court of the United States on petitions for writs of certiorari, prosecuted by the contesting railroads, seeking a review of the decision of the Circuit Court of Appeals, it was stated by partial adherents of the contesting roads that six months of the Alabama statutory rates would bankrupt the roads. The statutory rates have been in effect now for 18 months, with the general results above named.

Upon considerations of a general beneficial character, the Attorney General, with whom the special counsel for the State have agreed, has been in favor of adjusting and settling these cases on any fair and reasonable basis, so long as the State was not asked to give up or

surrender the integrity of her original position, in regard to the regulation of the intra-state business of the common carriers transacting such business in Alabama, and as defined in the statutes of the State, enacted for such purpose.

The affirmation, by the United States Circuit Court of Appeals, of the delegated authority conferred by statute upon the Railroad Commission in the matter of rate making, to meet changed conditions, renders such an adjustment feasible and practicable in every instance. No further legislation is needed. This recognized power of the Railroad Commission of Alabama, intelligently and reasonably exercised, is ample to meet and settle every possible difference that has arisen or may arise concerning the reasonableness or compensatory character of Alabama's statutory rates.

The strongest reason for an adjustment of these cases, applicable alike to both sides of the controversy, lies in the fact that the paramount question of contention revolves around the difference in expert opinion concerning the arbitrary apportionment of a large part of the operating expenses between intra-state and inter-state business. The courts have heretofore, in rate cases, adopted methods or bases, more or less theoretical and illusory in the division of these expenses, and they must, by the very practical indivisible and inseparable nature of such expenses, continue to adopt such arbitrary assignment of the operating expenses between the two classes of business, according to their temperament or peculiar point of view.

In my opinion, these cases are beyond all question, the most important in which the State has ever been engaged. They involve all the problems of the State's control and regulation of the intra-state rates of the common carriers doing business in Alabama. It is difficult to determine or to suggest to what extent the continued contest of the railroads, engaged in this litigation, under existing conditions, is due to an inherent unwillingness to submit to State regulation.

I quote here from the report of the Railroad Commission to the Governor:

'The number of passengers carried in 1910 in excess of 1907 was 1,616,413. The total passenger earnings

for 1910 were greater than for 1907 by \$778,120. The freight earnings compared with the same periods show a corresponding increase in business. The earnings from this branch of the traffic were \$1,457,825 greater than in 1907."

"The receipts, however, can be large and net results unsatisfactory from different causes, but combined as a whole the increase has been maintained in the net income from operation. The combined net income from operation of both passenger and freight traffic for 1910 shows an increase over 1907 of \$2,656,497."

"From a study of the report of the railroads we are convinced they are doing well and receive a fair share of the general prosperity that pervades the state."

These reports confirm that under our reduced passenger and freight rates, railroad business of all kinds has largely increased and proven more profitable. In the increased passenger business the anti-pass law helped very much. While nothing has been said of the express rate reduction, this reduction has greatly increased the fish and oyster business out of Mobile, the ice, truck and produce business everywhere, and the small shippers have been greatly benefited. We must conclude that under the so-called drastic and confiscatory laws every species of business has prospered.

STATE CAPITOL.

I take pleasure in stating that the most satisfactory condition exists in every department of the state and that most efficient service is rendered. I wish to thank every member of every department for their consideration of and kindness to me both as Chief Executive and as a man and friend. The comity between all the officers has been marked and at all times has been preserved. The life at the Capitol has been akin to one large and happy family.

Legislators, to you I extend greetings, and upon your labors, jointly and severally, as faithful servants of the people, humbly I invoke the blessings of Almighty God.

Jan. 10, 1911.

B. B. COMER,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Stevens the reading at length of the Governor's message was dispensed with. Same ordered spread upon the Journal and 500 copies ordered printed for use of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following House Joint Resolution:

RESOLUTION.

By Mr. Stollenwerck.

H. J. R. 8. Be it Resolved by the House of Representatives of the State of Alabama, the Senate concurring, That the city of New Orleans, Louisiana, be endorsed as the logical point for the World's Panama Exposition in 1915, and that our two United States Senators and all of our Representatives in the lower House of the Federal Congress be requested to use their efforts toward furthering that end.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Fite, the Senate concurred in and adopted H. J. R. 8, set out in the foregoing message from the House.

RESOLUTION.

Mr. Tunstall offered the following resolution:

S. R. 5. Resolved, That the President pro tem of the Senate be and he is hereby authorized and empowered to appoint a competent person whose duties shall be to inspect and examine, during the sessions, the records

and proceedings of the Senate, as they progress; with a view of seeing that the constitutional requirements respecting the introduction and progress of bills and resolutions in the Senate are fully complied with.

Resolved, further, That the compensation of such person so appointed shall be fixed by the President of the Senate pro tem, not to exceed however, ten dollars per day of actual services; the same to be certified and paid in the manner provided by statutes for certifying and paying other employees or clerks of the Senate.

Which was adopted.

ADJOURNMENT.

At 1:40 P. M., on motion of Mr. Stevens the Senate adjourned until 12 o'clock M. tomorrow.

THIRD DAY.

Thursday, January 12, 1911.

The Senate met pursuant to adjournment, President pro tem. Morrow presiding.

PRAYER.

By Mr. Norman of the Senate.

ROLL CALL.

Present:

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Sprott
Curry	Morrow	Stevens
Espy	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Norman	Vaiden
Frazer		

JOURNAL.

On motion of Mr. Tunstall the reading of the Journal of yesterday was dispensed with and the same was approved.

RESOLUTION.

Mr. Crumpton offered the following resolution, which was read and referred to the committee on Rules, to-wit:

Resolved, That the rules of the Senate of Alabama at the special session of 1909 be and are hereby adopted as the rules of this body.

BILLS ON THIRD READING.

The bill:

S. 5. To amend Section 551 of the Code of Alabama of 1907.

Was taken up.

Mr. Crumpton offered the following amendment to said bill, to-wit: Amend by inserting in lieu of the words "seven thousand five hundred" as the same appears in the bill proposed, the words "six thousand."

Which on motion of Mr. Screws was laid on the table.

Yeas, 26; nays, 6.

Yeas:

Messrs.:	Justice	Renfro
Allen	Kilby	Rogers
Atkins	Lovelace	Screws
Brown, W. T.	Merrill	Sherrod
Curry	Morrow	Sloan
Espy	Moulthrop	Stevens
Fite	Nance	Stokes
Folmar	Norman	Tunstall
Godbold	Plowman	Vaiden

Nays:
 Messrs.: Brown, C. W. Miller
 Beasley Crumpton Moody
—6.

And said bill was read a third time and passed, and ordered sent to the House without engrossment.

Yeas, 23; nays, 9.

Yeas:
 Messrs.: Godbold Rogers
 Allen Justice Screws
 Atkins Kilby Sherrod
 Beasley Lovelace Sloan
 Brown, W. T. Merrill Stevens
 Curry Morrow Stokes
 Espy Moulthrop Tunstall
 Folmar Renfro Vaiden
—23.

Nays:
 Messrs.: Miller Norman
 Brown, C. W. Moody Plowman
 Crumpton Nance Sprott
 Fite
—9.

The bill:

S. 4. To amend Sections 920 and 922 of the Code of Alabama.

Was read a third time and passed and ordered sent to the House without engrossment.

Yeas, 21; nays, 10.

Yeas:
 Messrs.: Godbold Screws
 Allen Justice Sherrod
 Atkins Lovelace Sloan
 Beasley Merrill Stevens
 Brown, C. W. Morrow Stokes
 Curry Moulthrop Tunstall
 Espy Renfro Vaiden
 Folmar
—21.

Nays:		
Messrs.:	Kilby	Norman
Brown, W. T.	Miller	Plowman
Crumpton	Moody	Sprott
Fite	Nance	

—10.

JOINT CONVENTION.

The hour having arrived, the Legislature of Alabama met in the hall of the House of Representatives to witness the opening of the returns, and the counting, ascertaining and proclaiming the results of the votes cast for the executive officers of the State of Alabama, at the election held on Tuesday after the first Monday in November, 1910, being the eighth day of November in the year of our Lord, one thousand nine hundred and ten.

The Joint Convention was called to order by the Honorable Hugh Morrow, President pro tem. of the Senate, who directed the Secretary of the Senate to call the roll of the Senate, when the following Senators answered to their names;

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Sprott
Curry	Morrow	Stevens
Espy	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Norman	Vaiden

—32.

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following Representatives answered to their names:

Messrs.	Johnson (Marshall)
Speaker	Jones
Acker	Judge
Arnold	Kilburn
Avery	Knight
Barnard	Lane
Bell (Pickens)	Lavender
Brewer	Lawler
Brindley	Lawson
Boswell	Lee
Brown (Pike)	Letson
Brown (Tuscaloosa)	Long
Burton	Lloyd
Bush	Lumpkin
Butt	Martin (Calhoun)
Capps	Martin (Jackson)
Carroll	Mastin
Chamberlain	Mathews
Cranford	Merrill
Darden	Merritt
Dennis	Milner
Doswell	Molton
Eastis	McDonald
Edmonds	McGowen
Flanagan	McLendon
Fletcher	O'Neill
Fowlkes	Overton
Fuquay	Page
Gewin	Parks
Greene	Pharr
Griffith	Pegram
Helms	Pittman
Hollis (Choctaw)	Pitts
Hood	Popwell
Horton	Preston
Huddleston	Pruett
Jackson	Quin
James	Ramsey
Jenkins (Baldwin)	Rice
Jenkins (Bullock)	Richeson
Johnson (Clarke)	Robertson

Rylance	Waddell
Smith	Waites
Strickland	Walker
Stollenwerck	Whatley
Sturdivant	Wheeless
Sullivan	Wilhite
Thomas	Williams
Twombly	

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The President pro tempore of the Senate announced that there was a quorum of the Legislature of Alabama present and that the purpose of the Joint Convention was to open the returns, count, ascertaining and proclaiming the result of the election held on Tuesday after the first Monday in November, 1910, being the eighth day of November, 1910, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in Joint Convention assembled, the returns of the election held on Tuesday after the first Monday in November, 1910, for the executive officers of the State of Alabama, to-wit: for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries.

RESULT OF THE ELECTION.

The Speaker of the House then proclaimed the result of the election as follows:

COUNTIES.	For Governor.				Lieutenant Governor.				Secretary of State.		
	Emmet O'Neal.	Chas. H. Scott.	Jos. O. Thompson.	Luther R. Carter.	W. D. Seed.	Wm. Frye Tebbetts.	G. O. Chenault.	Jephtha P. Marchant.	Cyrus B. Brown.	Thos. C. Bingham.	John C. Maxwell.
Autauga -----	627		58		672		32		664	33	
Baldwin -----	467	89	27	47	488	71	13	45	491	31	49
Barbour -----	1,157	14	51	2	1,262	4	10	2	1,241	7	2
Bibb -----	969	9	49	31	976	10	22	31	980	23	30
Blount -----	1,464	82	764	7	1,252	58	831	7	1,317	757	32
Bullock -----	578		1		597		1		594	1	
Butler -----	808	9	74	4	903	7	13	2	870	13	3
Calhoun -----	1,593	20	451	12	1,864	13	194	18	1,664	212	12
Chambers -----	1,058	1	30	7	1,119	1	11	7	1,108	11	7
Cherokee -----	1,373	31	355	31	1,251	28	273	35	1,155	283	30
Choctaw -----	474		15	4	506		3	2	484		2
Chilton -----	994	33	936	68	967	72	904	66	986	913	69
Clarke -----	998	2	33	9			3	7	1,060	4	7

Clay -----	1,305	30	745	3	1,420	30	595	3	1,377	610	3
Cleburne -----	849	6	428	2	825	3	320	1	731	339	1
Coffee -----	1,312	1	120	5	1,268	2	38	5	1,291	31	6
Colbert -----	912	4	174	33	883	2	159	32	868	150	29
Conecuh -----	976	2	31	14	947	1	18	13	903	17	17
Coosa -----	845	31	135	5	876	59	78	4	851	90	5
Covington -----	1,218	5	79	14	1,299	5	31	14	1,255	31	14
Crenshaw -----	1,002	1	67	3	1,081	-----	20	3	1,054	22	3
Cullman -----	1,705	18	1,093	11	1,092	14	1,175	11	1,155	788	13
Dale -----	1,122	-----	183	-----	1,139	3	77	11	1,180	74	11
Dallas -----	2,468	3	23	1	2,459	3	18	1	2,466	18	1
DeKalb -----	1,515	14	936	13	1,339	11	883	12	1,398	855	13
Elmore -----	1,604	15	72	5	1,625	13	34	16	1,615	46	5
Escambia -----	509	1	104	6	593	2	29	6	559	29	6
Etowah -----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Fayette -----	808	15	597	12	879	35	449	8	770	471	9
Franklin -----	890	7	786	53	861	6	778	46	851	765	46
Geneva -----	883	2	234	17	1,053	4	82	6	983	82	11
Greene -----	351	1	3	-----	364	1	-----	-----	363	-----	-----
Hale -----	638	-----	9	-----	670	1	3	-----	670	3	-----
Henry -----	600	1	32	3	639	1	9	5	619	8	6
Houston -----	1,895	-----	280	5	2,138	-----	30	5	2,057	34	5
Jackson -----	1,113	31	272	9	1,211	25	176	-----	1,183	133	-----
Jefferson -----	6,373	42	1,377	92	6,950	166	465	107	6,985	436	96
Lamar -----	677	11	84	-----	710	12	44	-----	707	52	-----

COUNTIES.	For Governor.				Lieutenant Governor.				Secretary of State.		
	Emmet O'Neal	Chas. H. Scott.	Jos. O. Thompson.	Luther R. Carter.	W. D. Seed.	Wm. Frye Tebbetts.	G. O. Chenault.	Jephtha P. Marchant.	Cyrus B. Brown.	Thos. C. Bingham.	John C. Maxwell.
Lauderdale -----	1,288	-----	364	42	1,344	13	257	23	1,317	201	25
Lawrence -----	681	29	222	12	752	11	204	10	690	168	18
Lee -----	783	1	26	26	849	1	9	31	832	12	26
Limestone -----	884	2	54	1	894	1	39	1	882	42	1
Lowndes -----	483	-----	16	1	502	-----	4	2	492	13	1
Macon -----	692	1	47	-----	728	1	39	-----	709	41	-----
Madison -----	1,483	12	175	37	1,651	7	8	37	1,547	84	43
Marengo -----	1,903	-----	17	-----	1,932	1	16	-----	1,937	16	-----
Marion -----	1,018	1	425	3	1,039	1	402	4	1,025	418	42
Marshall -----	1,856	14	872	9	1,746	11	732	7	1,626	690	11
Mobile -----	2,889	40	205	47	2,025	409	96	54	2,568	97	55
Monroe -----	623	-----	4	-----	665	-----	-----	-----	669	-----	-----
Montgomery -----	2,218	21	48	7	2,259	12	28	8	2,272	28	8

Morgan -----	1,650	22	485	34	2,071	14	147	38	1,859	161	40
Perry -----	668	1	5	4	693	-----	3	4	698	3	-----
Pickens -----	586	1	73	5	702	1	13	5	665	14	2
Pike -----	1,382	-----	53	1	1,403	-----	9	-----	1,381	6	-----
Randolph -----	1,341	2	454	4	1,358	1	378	16	1,299	408	3
Russell -----	390	-----	28	13	411	-----	10	11	412	11	9
Shelby -----	1,359	45	1,334	23	1,369	38	1,307	23	1,351	1,333	24
St. Clair -----	985	30	618	20	911	21	408	22	977	406	27
Sumter -----	545	-----	5	-----	581	-----	2	-----	583	-----	2
Talladega -----	1,090	35	261	2	1,254	28	150	1	1,198	183	1
Tallapoosa -----	1,467	5	95	5	1,558	6	28	3	1,537	30	5
Tuscaloosa -----	1,771	5	116	56	1,912	4	41	42	1,738	32	48
Walker -----	1,909	28	1,444	146	1,964	63	1,200	77	1,821	1,239	79
Washington -----	333	4	5	2	353	5	2	2	335	5	2
Wilcox -----	734	2	2	-----	761	1	-----	-----	752	1	-----
Winston -----	553	5	1,049	3	516	2	1,003	1	476	994	1
Total -----	77,694	837	19,260	1,042	79,441	1,320	14,246	953	79,153	14,008	1,016

Colbert—Aaron Bressler. 1.

Sumter—J. A. Dawson. 2.

Sumter—D. B. Dobson. 2.

COUNTIES.	State Auditor.			Attorney General.			State Treasurer.		
	C. Brooks Smith.	John B. Shields.	Fred A. Granaty.	Robert C. Brickell.	Alex C. Birch.	Frank X. Waldhorst.	John Purifoy.	John Sutterer	Isaac Starr.
Autauga -----	656	33	-----	661	32	-----	663	31	-----
Baldwin -----	490	30	46	492	28	48	496	31	49
Barbour -----	1,241	7	2	1,241	7	2	1,238	8	2
Bibb -----	939	23	29	899	24	30	980	21	31
Blount -----	1,260	818	8	1,299	850	8	1,311	850	8
Bullock -----	594	1	-----	595	1	-----	584	1	-----
Butler -----	860	13	1	866	13	3	872	10	3
Calhoun -----	1,642	195	12	1,674	193	12	1,729	197	12
Chambers -----	1,106	11	7	1,111	11	7	1,109	10	8
Cherokee -----	1,145	285	38	1,124	289	30	1,182	277	30
Choctaw -----	482	-----	2	480	-----	2	488	-----	2
Chilton -----	982	914	69	988	913	69	989	915	69
Clarke -----	1,054	3	7	1,054	3	7	1,061	3	1

Clay -----	1,363	603	3	1,374	599	3	1,386	602	3
Cleburne -----	737	333	1	700	332	1	752	332	1
Coffee -----	1,295	31	5	1,290	31	5	1,285	31	6
Colbert -----	870	154	29	869	148	29	868	149	29
Conecuh -----	891	37	15	899	14	13	750	-----	-----
Coosa -----	840	90	5	847	89	5	865	87	5
Covington -----	1,255	57	16	1,257	31	15	966	12	9
Crenshaw -----	1,044	24	3	1,042	3	3	1,062	24	3
Cullman -----	1,161	772	11	1,121	759	11	976	1,192	10
Dale -----	1,173	776	11	1,174	81	2	1,196	77	6
Dallas -----	2,465	18	1	2,461	18	1	2,460	18	1
DeKalb -----	1,385	867	12	1,387	854	12	1,397	852	13
Elmore -----	1,610	45	5	1,116	44	5	1,624	44	5
Escambia -----	558	31	6	577	31	6	574	27	6
Etowah -----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Fayette -----	773	481	9	753	469	10	787	472	8
Franklin -----	848	715	106	845	764	46	855	761	46
Geneva -----	979	89	7	978	84	8	983	97	8
Greene -----	363	-----	-----	362	-----	-----	364	-----	-----
Hale -----	666	3	-----	668	3	-----	673	3	-----
Henry -----	619	8	6	618	7	6	620	7	6
Houston -----	2,053	24	5	2,050	32	5	2,092	31	5
Jackson -----	1,180	175	3	1,189	175	4	1,187	173	4
Jefferson -----	6,915	478	95	7,058	493	105	6,961	456	552
Lamar -----	704	50	-----	708	54	-----	699	49	1

COUNTIES.	State Auditor.			Attorney General.			State Treasurer.		
	C. Brooks Smith.	John B. Shields.	Fred A. Granaty.	Robert C. Brickell.	Alex C. Birch.	Frank X. Waldhorst.	John Purlooy.	John Sutterer	Isaac Starr.
Lauderdale -----	1,313	195	23	1,304	197	23	1,316	194	23
Lawrence -----	697	170	14	699	166	13	720	171	15
Lee -----	828	11	25	795	11	25	837	11	25
Limestone -----	889	40	1	888	42	1	886	42	1
Lowndes -----	492	13	1	493	8	1	493	7	2
Macon -----	710	40	-----	709	40	-----	704	40	-----
Madison -----	1,596	86	38	1,599	86	43	1,620	76	29
Marengo -----	1,934	19	-----	1,916	19	-----	1,937	14	-----
Marion -----	1,012	387	3	1,026	414	3	1,029	411	3
Marshall -----	1,605	675	9	1,714	680	8	1,629	669	8
Mobile -----	2,564	93	58	2,557	96	54	2,537	93	48
Monroe -----	667	-----	-----	670	-----	-----	670	-----	-----
Montgomery -----	2,259	29	8	2,255	29	8	2,256	29	8

Morgan -----	1,846	157	48	1,839	159	41	1,824	151	40
Perry -----	696	3	4	697	3	4	698	2	4
Pickens -----	675	7	4	665	11	4	685	21	4
Pike -----	1,374	7	-----	1,384	-----	-----	1,390	8	-----
Randolph -----	1,287	384	3	1,270	387	3	1,287	405	3
Russell -----	413	12	8	415	12	8	415	12	8
Shelby -----	1,346	1,333	23	1,350	1,321	23	1,358	1,332	22
St. Clair -----	766	397	25	761	393	23	745	362	23
Sumter -----	586	2	-----	581	2	-----	583	2	-----
Talladega -----	1,197	148	1	1,212	145	1	1,224	147	1
Tallapoosa -----	1,529	28	5	1,488	28	5	1,488	31	4
Tuscaloosa -----	1,735	36	47	1,716	33	48	1,765	32	49
Walker -----	1,801	1,328	707	1,802	1,241	81	1,823	1,232	73
Washington -----	335	6	2	338	6	2	334	5	2
Wilcox -----	750	1	-----	752	1	-----	748	1	-----
Winston -----	476	1,018	1	479	1,000	1	492	1,022	-----
Total -----	77,576	14,119	1,633	77,201	14,010	936	77,627	14,371	1,337

COUNTIES.	Supt. of Education.			Com. Agr. & Ind.		
	Henry J. Willingham.	J. C. Walker.	Bennett Cox.	R. F. Kolb.	B. B. Cox.	Sid McDuff.
Antauga -----	672	32	-----	663	32	-----
Baldwin -----	502	25	50	491	28	48
Barbour -----	1,252	7	2	1,215	9	2
Bibb -----	987	23	30	972	23	30
Blount -----	1,290	855	8	1,311	856	8
Bullock -----	592	1	-----	590	1	-----
Butler -----	884	12	3	860	12	1
Calhoun -----	1,764	193	14	1,684	225	13
Chambers -----	1,111	11	7	1,115	11	7
Cherokee -----	1,173	282	35	1,155	287	29
Choctaw -----	495	2	-----	474	-----	2
Chilton -----	993	910	69	991	866	70
Clarke -----	1,061	5	6	1,061	3	7

Clay -----	1,478	589	3	1,405	615	3
Cleburne -----	786	333	1	746	328	1
Coffee -----	1,342	31	6	1,240	32	4
Colbert -----	870	150	28	880	150	28
Conecuh -----	931	14	13	827	14	14
Coosa -----	876	92	7	847	89	5
Covington -----	1,279	30	15	1,234	29	14
Crenshaw -----	1,073	24	3	1,009	27	3
Cullman -----	1,158	801	11	1,224	791	11
Dale -----	1,222	86	9	1,153	86	2
Dallas -----	2,459	18	1	2,462	18	1
DeKalb -----	1,402	856	12	1,394	793	13
Elmore -----	1,650	46	5	1,617	46	5
Escambia -----	566	28	7	563	29	6
Etowah -----						
Fayette -----	857	466	11	801	473	8
Franklin -----	866	758	62	858	704	46
Geneva -----	1,017	85	7	936	95	8
Greene -----	363			362		
Hale -----	672	3		668	3	
Henry -----	632	8	7	621	6	6
Houston -----	2,076	30	5	1,962	45	5
Jackson -----	1,153	180	4	1,178	175	3
Jefferson -----	7,037	410	109	6,961	427	98
Lamar -----	706	52		700	50	1

COUNTIES.	Supt. of Education.			Com. Agr. & Ind.		
	Henry J. Willingham.	J. C. Walker.	Bennett Cox.	R. F. Kolb.	B. B. Cox.	Sid McDuff.
Lauderdale -----	1,327	196	26	1,334	190	23
Lawrence -----	730	157	16	722	167	15
Lee -----	839	11	25	791	12	25
Limestone -----	891	42	2	890	41	1
Lowndes -----	489	11	1	502	8	1
Macon -----	708	37	-----	710	37	-----
Madison -----	1,612	81	38	1,522	79	38
Marengo -----	1,914	16	-----	1,932	16	-----
Marion -----	1,027	403	3	1,029	413	3
Marshall -----	1,708	679	10	1,677	697	8
Mobile -----	2,559	105	59	2,536	153	51
Monroe -----	668	-----	-----	668	-----	-----
Montgomery -----	2,263	29	8	2,261	30	8

Morgan -----	1,900	140	39	1,928	140	39
Perry -----	700	1	6	695	2	4
Pickens -----	694	13	14	649	17	9
Pike -----	1,392	7	-----	1,373	-----	-----
Randolph -----	1,297	444	3	1,325	377	7
Russell -----	416	12	8	412	11	8
Shelby -----	1,377	1,332	29	1,338	1,324	22
St. Clair -----	936	405	23	795	406	24
Sumter -----	584	2	-----	585	2	-----
Talladega -----	1,252	149	3	1,207	163	1
Tallapoosa -----	1,530	5	30	1,536	31	5
Tuscaloosa -----	1,788	31	49	1,795	34	52
Walker -----	1,853	1,252	81	1,886	1,235	85
Washington -----	336	5	2	342	5	2
Wilcox -----	753	1	-----	755	1	-----
Winston -----	493	1,005	1	498	1,006	1
Total -----	79,283	13,919	1,026	77,923	13,975	833

PROCLAMATION OF RESULT.

The Speaker of the House of Representatives then declared that Emmet O'Neal, Walter D. Seed, Robert C. Brickell, C. Brooks Smith, Cyrus B. Brown, John Purifoy, H. J. Willingham, R. F. Kolb were duly and constitutionally elected Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries respectively, for the term prescribed by law.

The object of the Joint Convention having been accomplished the President pro tempore of the Senate announced that it was dissolved, whereupon the Senate retired to its chamber.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall from the Committee on Rules reported as follows:

The Committee on Rules reports that the following shall be the Standing Committees of the Senate:

1. On Rules, to consist of 5 members with the right to report at any time.
2. On Judiciary, to consist of 11 members;
3. On Constitution and Constitutional Revision and Amendments, to consist of 7 members;
4. On Revision of Laws, to consist of 9 members;
5. On Finance and Taxation, to consist of 11 members;
6. On Temperance, to consist of 9 members;
7. On Corporations, to consist of 7 members;
8. On Education, to consist of 9 members;
9. On Commerce and Common Carriers, to consist of 7 members;
10. On Public Roads and Highways, to consist of 7 members;
11. On Banking, to consist of 7 members;
12. On Municipalities and Municipal Organization, to consist of 7 members;

13. On Local Legislation to consist of 7 members;
14. On Mining and Manufacturing to consist of 7 members;
15. On Insurance, to consist of 7 members;
16. On Counties and County Boundaries, to consist of 7 members;
17. On Public Health, to consist of 7 members;
18. On Penitentiary, Prison and Prison Punishment, to consist of 7 members;
19. On Fees and Salaries, to consist of 5 members;
20. On Immigration and Industrial Resources, to consist of 7 members;
21. On Privileges and Elections, including grievances, disabilities and registration to consist of 7 members;
22. On Military, to consist of 5 members;
23. On Federal Relations, to consist of 5 members;
24. On Agriculture, to consist of 7 members;
25. On Forestry, Conservation and Preservation of Game, to consist of 7 members;
26. On Public Buildings and Grounds, to consist of 5 members;
27. On Public Printing, to consist of 3 members;
28. On Engrossed Bills, to consist of 3 members;
29. On Enrolled Bills, to consist of 3 members;
30. On Revision of the Journal, to consist of 5 members whose duty it shall be to examine in reference to each bill or resolution finally passed by the Legislature and report whether the Journal contains the entries in reference thereto required by the Constitution.

Which report was on motion of Mr. Tunstall received and adopted.

BILLS ON THIRD READING RESUMED.

The bill:

S. 1. To amend Section 6638 of the Code of Alabama of 1907.

Was read a third time and passed and ordered sent to the House without engrossment.

Yeas, 20; nays, 3.

Yeas:

Messrs.:	Godbold	Nance
Atkins	Justice	Norman
Brown, C. W.	Kilby	Plowman
Crumpton	Merrill	Renfro
Curry	Miller	Stokes
Espy	Morrow	Tunstall
Folmar	Moulthrop	Vaiden

—20.

Nays: Messrs. Fite, Moody, Sprott.

—3.

PAIRS ANNOUNCED.

Mr. Beasley announced that he and Senator Frazer were paired on this vote. That if Mr. Frazer was present he would vote yea, and that he, Mr. Beasley, would vote nay.

RESOLUTIONS.

Mr. Beasley offered the following Senate Joint Resolution, by unanimous consent:

S. J. R. 7. Whereas, The Legislature of the State of Alabama, which is now in session, is the Legislature chosen next preceding the expiration of the time for which the Hon. John Hollis Bankhead was elected a Senator to represent the State of Alabama, in the Congress of the United States.

Be it Resolved by the Senate, the House of Representatives concurring, That the Senate and the House of Representatives of the Legislature of Alabama, shall meet in their respective halls on Tuesday, the 17th day of January, one thousand nine hundred and eleven, the same being the second Tuesday after the meeting and organization of said Legislature and that they proceed separately to vote for a Senator in Congress from the State of Alabama, for the term of six years, beginning on the 4th day of March, 1913, when the present term of

the said John Hollis Bankhead, as such Senator from the State of Alabama, shall expire, such proceedings in either House to conform to the statutes of the United States providing for the election of Senators to the Congress of the United States.

And that on Wednesday, the 18th day of January, 1911, at the hour of 2 P. M., the members of the Senate and House of Representatives convene in joint assembly in the Hall of the House of Representatives and then and there read the Journals of each House and declare the result so as to conform to the statutes of the United States.

Which was adopted.

Mr. Beasley offered the following Senate Joint Resolution, by unanimous consent:

S. J. R. 7. Whereas, the people of Alabama have declared their choice of Honorable John H. Bankhead to succeed himself in his present exalted position as Senator of the United States from the State of Alabama; and,

Whereas, the Senate of the United States is now in session and Senator Bankhead is engaged actively, and daily, in the transaction of important public business, the discharge of which might be interrupted by his return to Alabama at this time, and,

Whereas, appreciating in the highest degree his service to the State and to the country, and desiring to testify our views in this regard, and believing that his return to the State at this time, while a great pleasure to him and to us, might interfere with his public duties which have ever been first claim upon his consideration.

Now, Therefore, Be it Resolved by the Senate of Alabama, the House of Representatives concurring, that we send our greeting to our distinguished Senator and say to him that it is the desire of the Legislature of Alabama that if in his opinion his public duties require his presence in Washington, it will be entirely unnecessary for him to be present at the time of his re-election by this Legislature, and he is hereby excused and relieved of being present.

Which was adopted.

ADJOURNMENT.

At 3 o'clock P. M. on motion of Mr. Norman, the Senate adjourned until 12 o'clock M. tomorrow.

FOURTH DAY.

Friday, January 13, 1911.

Senate met pursuant to adjournment, President pro tem. Morrow presiding.

PRAYER.

By Mr. Norman of the Senate.

ROLL CALL.

Present:

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Sprott
Curry	Morrow	Stevens
Fite	Moulthrop	Stokes
Folmar	Nance	Tunstall
Frazer	Norman	Vaiden

—32.

JOURNAL.

On motion of Mr. Justice the reading of the Journal of yesterday was dispensed with and the same was approved.

LEAVE OF ABSENCE.

An indefinite leave of absence was granted Mr. Espy on account of sickness in his family.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. J. F. Henley, Tyler Goodwin, R. E. Lambert and Virgil Bouldin for today.

JOINT RESOLUTION.

Mr. Beasley offered the following joint resolution:

S. J. R. 8. Be it Resolved by the Senate, the House concurring, that:

1. There be and is hereby created a joint Inaugural Committee to be composed of five members of the Senate and seven members of the House.

2. That the joint committee shall take such steps that it may deem necessary for the proper inauguration of the incoming Governor and Lieutenant Governor, and report back to the Legislature its recommendation for such action as the Legislature may see fit to take.

Which, under a suspension of the rules, was adopted, and the President pro tem. appointed as a committee on the part of the Senate Messrs. Beasley, Vaiden, Frazer, Moulthrop and Screws.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in Senate Joint Resolution number six relative to the election of Hon. John Hollis Bankhead for United States Senator for the term of six years beginning on the fourth day of March, 1913. And has also concurred in Senate Joint Resolution number seven relative to Hon. John Hollis Bankhead not being present at his election by the Legislature of Alabama.

W. F. Herbert,
Clerk.

JOINT RESOLUTION NO. 9.

Mr. Allen offered the following resolution:

Formally declaring the settled policy of the State of Alabama relative to vested interests of capital in the State of Alabama, present and prospective, whether domestic or foreign.

Be it resolved by the Senate, the House concurring:

First:—That whereas, by reason of legislation heretofore enacted in this State, an impression has been created in many quarters that capital invested in Alabama may not have the conservative safe-guards thrown around it that obtains in other sections of the country:

And whereas, this fact has been spread abroad by the public press of the country to the injury of the business interests of the State;

Now therefore—

Be it resolved, That it is hereby formally set forth and declared to be the settled and permanent policy of the State of Alabama, that property rights of every character, whether foreign or domestic shall be rigidly and scrupulously protected; that investors of capital whether money, mind or muscle, shall have thrown around them the protection of wise and just laws, to that end that the great resources of mine, field and forest may be developed to their fullest scope and capacity and we invite all people to come and share the good things we have.

Which was read and referred to the Committee on Rules.

REPORT OF COMMITTEE ON RULES.

Mr. Morrow, from the Committee on Rules, reported the rules of the Senate 1911 and moved that the rules be suspended and said report be adopted.

Mr. Frazer moved that each Senator be furnished a copy of said report, and that action thereon be postponed until next Monday.

Mr. Morrow moved to lay Mr. Frazer's motion on the table, which prevailed, and said report was then adopted and 500 copies of same ordered printed for the use of the Senate.

RULES OF THE SENATE.

(REGULAR SESSION, 1911.)

RULE 1. The President or Presiding Officer having taken the Chair, and a quorum being present, the Journal of the preceding day shall be read to the end, that any mistake may be corrected that shall be made in the entry.

2. Every Senator, when he speaks, shall address the Chair, standing in his place, and, when he has finished, shall sit down.

3. No Senator shall speak more than twice on any question under debate, and shall not consume more than one hour at each time, without leave of the Senate; but the originator of the pending question, or Chairman of the Committee reporting the measure, shall have the right to conclude the debate, the originator of the pending question to have precedence.

RULE 4. When two or more Senators rise at the same time, the Presiding Officer shall name the Senator who is first to speak.

5. When a Senator shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate, and the President may call for the sense of the Senate on any question of order.

6. If a Senator be called to order by a Senator for words spoken, the exceptional words shall immediately be taken down in writing by the Secretary, that the President may be better enabled to judge of the matter.

7. No Senator shall absent himself from the service of the Senate, for as long as one day, without leave of

the Senate first obtained. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Door-Keeper, or any other person by them authorized, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senator unless such excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient, in which event the expense of securing the attendance of such Senator shall be paid out of the contingent fund.

8. When a motion shall be made, it shall be reduced to writing, if desired by the President, or any Senator, delivered at the table, and read, before the same shall be debated.

RULE 9. When a question is under debate, no motion shall be received but:

To adjourn;

To adjourn to a certain day;

To postpone indefinitely;

To lay on the table;

To postpone to a certain day;

To commit, or

To amend:

which several motions shall have precedence, in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

RULE 10. If the question in debate contains several points, any Senator may call for a division, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion, simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

11. In filling up blanks, the largest sum and longest time shall be first put.

12. When the reading of any paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

13. The *unfinished business* in which the Senate was engaged at the last preceding adjournment, shall have the preference in the *special orders* of the day.

14. When the *Yeas* and *Nays* shall be called for by one-tenth of the Senators present, each Senator called shall, unless for special reasons he be excused by the Senate, declares openly, and without debate, his assent or dissent to the question. In taking the *Yeas* and *Nays*, and upon the call of the Senate, the names of the Senators shall be called alphabetically, except that the name of the President Pro-Tem shall be first called.

15. When the *Yeas* and *Nays* shall be taken upon any question, in pursuance of the above rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

16. All motions to go into executive session shall be decided without debate.

17. All joint resolutions shall be referred to the Committee on Rules before they shall be considered by the Senate.

18. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate Chamber, to present any petition, memorial or address, or to have any such read.

19. When a question has been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any

vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or by 12 o'clock next day.

20. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent, by answering their aye or no.

21. The President Pro-Tem of the Senate and the Lieutenant Governor in the absence of the President Pro-Tem, shall have the right to name a Senator to perform the duties of the chair, but such substitution shall not extend beyond adjournment.

22. After reading the journal, business shall be called in the following order:

- 1st. Signing bills by the President.
- 2nd. Call of Districts.
- 3rd. House Message.
- 4th. Report from Standing Committees.
- 5th. Reports from Select Committees.
- 6th. Motions and resolutions.
- 7th. Bills on third reading.
- 8th. Regular order of the day at 12 M.
- 9th. Miscellaneous business.

The committees on enrolled and engrossed bills, and on journal, may report at any time.

This order of business cannot be set aside, except upon a resolution, previously considered and reported by the Committee on Rules.

When reports of standing committees are in order, the committee shall be entitled to the floor, last occupying it when the reports were in order.

These rules shall not interfere with special orders for particular days, or special orders for the Senate.

Special orders shall be called at the hour of 12 o'clock, unless specially set for some other hour; and a motion for a special order shall first be referred to and reported from the Committee on Rules.

Under call of the Districts, only bills, petitions, memorials, or resolutions which are to be referred to a committee, shall be introduced, and every bill, petition, memorial or other paper shall upon the first reading thereof, be referred by the presiding officer to the Standing Committee having the subject matter under consideration unless the Senate by a majority vote order otherwise. And before any petition, or memorial addressed to the Senate, shall be received and read at the table, a brief statement of the contents of the petition or the memorial shall be made verbally by the introducer.

23. Every bill shall receive three readings previous to its being passed; and the presiding officer shall give notice at each whether it be the first, second or third, which readings shall be on three different days. And no bill shall become a law until it shall have been referred to a standing committee, acted upon by such committee in session, and returned therefrom, which fact shall affirmatively appear upon the Journal of the Senate, and upon its final passage read at length, and the vote taken by yeas and nays, and the names of the Senators voting for and against the same entered on the journal.

24. The presiding officer of the Senate shall in the presence of the Senate sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of the reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered upon the

journal. And all the resolutions proposing amendments to the Constitution or to which the approbation or signature of the President or President Pro-Tem may be requisite shall be treated in all respects in the introduction and form of proceedings thereon in the Senate in a similar manner with bills.

25. Bills on first reading shall be committed, and shall be read a second time when returned from the committee on any subsequent day.

26. The final question, upon the third reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to its being passed, shall be, "whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment, and if such commitment take place and any amendment be reported by the committee the said bill, resolution, constitutional amendment or motion shall be again placed on the Calendar for a second reading.

27. The special orders of the day shall not be called by the Chair before 12 o'clock, unless otherwise directed by the Senate.

28. The titles of bills and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

29. The proceedings of the Senate, when not in committee of the whole, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of its proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memo-

rial or paper presented to the Senate, shall also be inserted on the journal.

30. The President Pro-Tem of the Senate shall appoint the chairman and members of the standing committees, and he shall appoint all other committees of the Senate, both special and joint.

32. That all executive messages be considered with open doors unless otherwise requested in said message.

33. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour, and a vote taken on the measure. The consideration by the Senate of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon.

34. When any question may have been decided by the Senate, in which two-thirds of the Senators present are necessary to carry the affirmative, any Senator who votes on that side which prevailed in the question may be at liberty to move for a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes. And every bill, question or measure in the possession of the Senate may be reconsidered at any time before 12 o'clock of the succeeding day. No motion to table a motion to reconsider shall be in order, if made on the same day the proposition proposed to be reconsidered, was carried, and no motion to take from the table a motion to reconsider shall be in order, without giving one day's notice.

35. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

36. Messages may be introduced in any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

37. The reporters shall be placed on the floor of the Senate by the Secretary, or under his direction.

38. The presiding officer of the Senate shall have the regulation and control of such parts of the capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

39. Persons admitted on the floor of the Senate Chamber while the Senate is in session: Members of the Legislature, officers and employees of the two Houses, the Governor and his Secretary, representatives of the press, other persons to whom the Senate by unanimous vote may extend the privileges of its floor.

No smoking shall be allowed in the Senate Chamber.

40. The time of meeting of the Senate each day shall be at 10:30 o'clock a. m., except on Monday, on which it shall convene at 12 o'clock noon; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment, and the name of the member on whose motion the adjournment was had.

41. To aid in the dispatch of business, there shall be thirty standing committees, upon the following subjects, and to consist of the number herein named:

1. On Rules, to consist of 5 members with the right to report at any time.
2. On Judiciary, to consist of 11 members;
3. On Constitution and Constitutional Revision and Amendments, to consist of 7 members;
4. On Revision of Laws, to consist of 9 members;
5. On Finance and Taxation, to consist of 11 members;
6. On Temperance, to consist of 9 members;
7. On Corporations, to consist of 7 members;
8. On Education, to consist of 9 members;

9. On Commerce and Common Carriers, to consist of 7 members;
10. On Public Roads and Highways, to consist of 7 members;
11. On Banking, to consist of 7 members;
12. On Municipalities and Municipal Organization, to consist of 7 members;
13. On Local Legislation to consist of 7 members;
14. On Mining and Manufacturing to consist of 7 members;
15. On Insurance, to consist of 7 members;
16. On Counties and County Boundaries, to consist of 7 members;
17. On Public Health, to consist of 7 members;
18. On Penitentiary, Prison and Prison Punishment, to consist of 7 members;
19. On Fees and Salaries, to consist of 5 members;
20. On Immigration and Industrial Resources, to consist of 7 members;
21. On Privileges and Elections, including grievances, inabilities and registration to consist of 7 members;
22. On Military, to consist of 5 members;
23. On Federal Relations, to consist of 5 members;
24. On Agriculture, to consist of 7 members;
25. On Forestry, Conservation and Preservation of Game, to consist of 7 members;
26. On Public Buildings and Grounds, to consist of 5 members;
27. On Public Printing, to consist of 3 members;
28. On Engrossed Bills, to consist of 3 members;
29. On Enrolled Bills, to consist of 3 members;
30. On Revision of the Journal, to consist of 5 members whose duty it shall be to examine in reference to each bill or resolution finally passed by the Legislature and report whether the Journal contains the entries in reference thereto required by the Constitution.
42. Bills on third reading postponed to a day certain, shall take precedence on such day, and from day to day thereafter until disposed of, and the precedence

of such postponed bills shall be in the order of their postponement respectively.

43. No discussion or debate shall be allowed while a vote is being taken, except by unanimous consent of the Senate.

44. A motion to lay on the table any amendment or substitute shall not carry with it the original bill, resolution or proposition.

45. The Secretary of the Senate is required to furnish daily to the members of the Senate a printed calendar of all the bills and resolutions intended to have the force of laws on third reading, in the order in which they are entitled to consideration.

46. When a Committee has decided adversely to any bill or resolution such action shall be endorsed thereon as provided under Rule 49, and said bill or resolution shall be reported back to the Senate thus endorsed, and thereupon placed upon the Adverse Calendar of the Senate. Any Senator may, after one day's written notice, on the day named in said notice after the call of standing committees move the second reading of such bill or resolution when the same may, by a majority of the members elected to the Senate, be read by its title a second time and placed on the regular Calendar of the Senate. Only 60 minutes to the side shall be allowed for the discussion of such motion—which may be divided as the Senators favoring and opposing the same may agree for their respective sides.

47. No motion to suspend, modify or amend any rule or any part thereof, shall be in order except on notice in writing, specifying precisely the rule, or part thereof, proposed to be suspended, modified or amended and the purpose thereof; and before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and the said committee must report thereon; but any rule may be suspended by unanimous consent of the Senate.

48. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate.

49. All bills acted upon by a committee shall be endorsed as follows: "This bill was acted upon by the Committee on ----- in session and (here insert the action of the Committee)," and said endorsement shall be dated and signed by the chairman or acting chairman of the Committee.

APPOINTMENT BY PRESIDENT PRO TEM.

In pursuance to Senate Resolution No. 1, President pro tem. Morrow made the following appointments for pages and messengers for the Senate, to-wit:

Packer Smith, Morgan Sherrod, Kirkman Jackson, Vell Rives, pages; Jeff D. Battle, messenger.

And in pursuance of Senate Resolution No. 5, the President pro tem. of the Senate appointed Henry P. White as Inspector of Journals.

RECESS.

On motion of Mr. Tunstall at 1:20 o'clock the Senate took a recess until this afternoon at 3 o'clock.

AFTERNOON SESSION.

January 13, 1911.

Senate reassembled at 3 o'clock P. M.

ROLL CALL.

The roll was called and quorum of the Senate was present.

ANNOUNCEMENT OF COMMITTEES BY PRESIDENT PRO TEM.

Mr. Morrow, President pro tem. of the Senate, announced the following as members of the respective standing committees, which said appointments were ratified and confirmed by the Senate, to-wit:

STANDING COMMITTEES OF THE SENATE.

1. On Rules—Tunstall, Stevens, Sprott, Screws, Morrow.
2. On Judiciary—Stevens, Tunstall, Sprott, Spragins, Fite, Beasley, Merrill, Frazer, Allen, Godbold, Crumpton.
3. On Constitution and Constitutional Revision and Amendments—Sprott, Frazer, Moody, Fite, Curry, Crumpton, Allen.
4. On Revision of Laws—Sherrod, Curry, Moody, Screws, Spragins, Tunstall, Godbold, Sprott, Sloan.
5. On Finance and Taxation—Plowman, Spragins, Moody, Kilby, Renfro, Tunstall, Stokes, Atkins, Vaiden, Fite, Miller.
6. On Temperance—Moody, Spragins, Norman, Atkins, Crumpton, Stevens, Miller, Rogers, Justice.
7. On Corporations—Spragins, Rogers, Renfro, Lovelace, Norman, Stokes, Stevens.
8. On Education—Brown, W. T., Folmar, Merrill, Plowman, Fite, Godbold, Sprott, Espy, Justice.
9. On Commerce and Common Carriers—Merrill, Rogers, Sherrod, Moody, Turner, Vaiden, Tunstall.
10. On Public Roads and Highways—Beasley, Frazer, Moulthrop, Lovelace, Brown, C. W., Folmar, Plowman.
11. On Banking—Renfro, Kilby, Moody, Espy, Godbold, Fite, Sherrod.
12. On Municipalities and Municipal Organizations—Kilby, Atkins, Allen, Crumpton, Vaiden, Sprott, Renfro.
13. Local Legislation—Norman, Moulthrop, Folmar, Curry, Sherrod, Nance, Screws.

14. On Mining and Manufacturing—Allen, Rogers, Brown, W. T., Beasley, Lovelace, Stevens, Tunstall.

15. On Insurance—Frazer, Crumpton, Moulthrop, Beasley, Sherrod, Allen, Screws.

16. On County and County Boundaries—Fite, Moody, Brown, C. W., Curry, Beasley, Merrill, Stevens.

17. On Public Health—Justice, Norman, Plowman, Godbold, Turner, Nance.

18. On Penitentiary, Prisons and Punishment—Espy, Brown, C. W., Stokes, Sprott, Sloan, Turner, Nance.

19. On Fees and Salaries—Atkins, Brown, W. T., Miller, Stokes, Sloan.

20. On Immigration and Industrial Resources—Miller, Brown, W. T., Justice, Sprott, Allen, Turner, Lovelace.

21. On Privileges and Elections, including Grievances, Disabilities, and Registration—Brown, C. W., Folmar, Frazer, Moulthrop, Sloan, Espy, Tunstall.

22. On Military—Vaiden, Atkins, Moulthrop, Frazer, Kilby.

23. On Federal Relations—Folmar, Norman, Sloan, Curry, Nance.

24. On Agriculture—Nance, Rogers, Brown, C. W., Stokes, Renfro, Espy, Justice.

25. On Forestry, Conservation and Preservation of Game—Lovelace, Justice, Vaiden, Spragins, Allen, Frazer, Sloan.

26. On Public Buildings and Grounds—Moulthrop, Screws, Vaiden, Brown, W. T., Turner.

27. On Public Printing—Stokes, Crumpton, Merrill.

28. On Engrossed Bills—Curry, Miller, Brown, C. W.

29. On Enrolled Bills—Godbold, Screws, Kilby.

30. On Revision of Journal—To consist of five members whose duty it shall be to examine in reference to each bill or resolution finally passed by the Legislature, and report whether the Journal contains the entries in reference thereto required by the Constitution—Crumpton, Fite, Merrill, Plowman, Curry.

The Senator's name first appearing on each of the above named standing committees shall be the Chairman thereof.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. No. 8, relative to the appointment of a committee to make arrangements for the proper inauguration of the incoming Governor and Lieutenant Governor.

Committee on part of the House: Messrs. Rylance, Long, Smith, Gewin, Hood, Jones and Walker.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

RESOLUTION.

Mr. Tunstall offered the following resolution:

S. R. 11. Be it Resolved by the Senate, That the following committees shall have a clerk to be appointed by the chairman:

Rules, Judiciary, Commerce and Common Carriers, Local Legislation, Education, Revision of Laws, Temperance, Public Health, Finance and Taxation.

Which, under a suspension of the rules, was adopted.

JOINT RESOLUTION NO. 10.

Mr. Tunstall offered the following joint resolution:

S. J. R. 10. Resolved by the Senate, the House concurring, That the following be and are hereby adopted as the rules for the two houses:

JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA, SESSION 1911.

1. Upon the reception of a message from either House notifying the other of the originating and passing of bills, the Secretary or Clerk, as the case may be, shall immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and referred to a committee. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received; Provided, that message from one House to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, thereupon the Clerk or Secretary, as the case may be, shall notify the other House and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the constitution.

3. That no local or special bill shall be introduced into either House unless the member who introduces it discloses at the time the fact that the notice required by the constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bill.

4. All bills for amendment to any section or part of the Code, in which the subject matter is stated in the title by reference to the section or other subdivision of the Code, must contain on the back of the bill, imme-

diately below the title, a brief statement of the general subject to which such section or subdivision relates.

Which, under a suspension of the rules, was adopted.

ADJOURNMENT.

On motion of Mr. Tunstall at 4:30 o'clock P. M., the Senate adjourned until 12 o'clock M. tomorrow.

FIFTH DAY.

Saturday, January 14, 1911.

Senate met pursuant to adjournment.

PRAYER.

By Mr. Norman of the Senate.

ROLL CALL.

Present:

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Sprott
Curry	Morrow	Stevens
Fite	Moulthrop	Stokes
Folmar	Nance	Tunstall
Frazer	Norman	Vaiden

—32.

JOURNAL.

On motion of Mr. Godbold the reading of the Journal of yesterday was dispensed with, and the same was approved.

MESSAGE FROM THE GOVERNOR.

The Senate received the following message from His Excellency, the Governor:

Chief Executive Department, Alabama.

Montgomery, January 14, 1911.

To the Senate:

I herewith transmit to you, in compliance with the Constitution, list of pardons, reprieves and commutations granted by me during the past four years, with my reasons therefor, together with the recommendations of the Board of Pardons.

B. B. Comer,
Governor.

Which was referred to the committee on Penitentiary, Prison and Prison Punishment.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in Senate Joint Resolution No. 10 adopting joint rules for the two houses of the Legislature of Alabama, session of 1911, and returns same herewith to the Senate.

W. F. Herbert,
Clerk of House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 5. To amend Section 551 of the Code of Alabama of 1907.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The Committee on Enrolled Bills has examined the following Senate bill:

S. 5. To amend Section 551 of the Code of Alabama of 1907.

And find same to be correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President pro tem. of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Allen.

S. 8. To establish a commission form of government in the cities, towns and villages in this State.

Municipalities and Municipal Corporations.

Also,

S. 9. Providing for the docketing of lis pendens and attachments against non-residents.

Judiciary.

Also,

S. 10. To protect stock in this State.

Agriculture.

Also,

S. 11. To amend Sections 113, 114, 115, 116, 117, 118, 119 and 120 of the Code of Alabama of 1907.

Agriculture.

By Mr. Morrow.

S. 12. To amend Section 637 of the Code of Alabama.

Judiciary.

By Mr. Norman. (By request.)

S. 13. To extend the corporate existence of banks and corporations doing a banking business and of building and loan associations.

Corporations.

By Mr. Lovelace.

S. 14. To amend Section 1193 of the Code of 1907 of Alabama.

Municipalities and Municipal Corporations.

By Mr. Folmar.

S. 15. To amend Section six thousand nine hundred and sixty-four (6964) of the Criminal Code of 1907.

Forestry, Conservation and Preservation of Game.

Also,

S. 16. To require tailors and tailoring companies doing business in the State of Alabama to pay a license tax to the municipality where it is located; and upon the payment of said license tax, to exempt the same from the payment of a license tax to any other municipality in the State, and to repeal conflicting laws.

Finance and Taxation.

By Mr. Screws.

S. 17. To amend Section 770 of the Code of Alabama of 1907.

Revision of Laws.

Also,

S. 18. To classify the cities of Alabama, to provide for the government of the cities of Alabama, and the

adoption thereof, in certain cases, by special election, additional to Chapter 32 of the Code of Alabama of 1907.

Municipalities and Municipal Organizations.

By Mr. Fite.

S. 19. To appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the Sixth Congressional District Agricultural School, located at Hamilton, the present building having become inadequate for the necessities of the school.
Education.

Also,

S. 20. To amend Section 3164 of the Code of Alabama of 1907.

Judiciary.

Also,

S. 21. To amend an act approved August 25, 1909, entitled "An act to amend Section 5231 of the Code of Alabama of 1907.

Judiciary.

Also,

S. 22. To amend Sections 3134, 3135, and 3136 of the Code of Alabama of 1907.

Judiciary.

By Mr. Merrill.

S. 23. To amend Section 1 of an act entitled "An act to prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same," approved February 14, 1907.

Commerce and Common Carriers.

Also,

S. 24. To amend Section 3237 of the Civil Code of 1907, providing for the times and places of holding Circuit Court in the Seventh Judicial Circuit.

Judiciary.

Also, (by request),

S. 25. To appropriate eighty thousand dollars for the aid of the State Normal School at Jacksonville, Alabama.

Finance and Taxation.

By Mr. Godbold.

S. 26. To amend Section 28 of the Code of Alabama.

By Mr. Fite.

S. 27. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House Joint Resolution:

By Mr. Arnold.

H. J. R. 15. Resolved by the House, the Senate concurring, That a committee of three on the part of the House and two on the part of the Senate be raised for fixing the hour at which the House and the Senate shall convene on Monday, the 16th day of January, 1911.

That the members of said committee on the part of the House shall be named by the Speaker, and the members on the part of the Senate, by the President pro tem. of the Senate.

Committee on part of the House: Messrs. Arnold, Page and Stollenwerck.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall the Senate concurred in H. J. R. 15, set out in the foregoing message from the

House, and the President pro tem. named Messrs. Tunstall and Godbold, committee on part of the Senate.

RESOLUTION.

Mr. Tunstall offered the following Senate Joint Resolution:

S. J. R. 12. Resolved by the Senate of Alabama, the House of Representatives concurring, That the time honored custom which so long existed and under which the Governor elect took the oath of office in the presence of the House of Representatives and Senate was a wise and salutary one, and its restoration desirable.

2. And be it further Resolved, That the Honorable Emmet O'Neal, Governor elect is hereby respectfully requested and invited to take the oath of office in the House of Representatives in the presence of the two houses at noon on Monday, January 16th, 1911.

3. That there is hereby raised a joint committee of one Senator and two members of the House of Representatives to communicate this resolution to the Governor elect.

Which, under a suspension of the rules, was adopted, and the President pro tem. appointed as a committee on the part of the Senate, Mr. Tunstall.

Mr. Fite offered the following Senate Joint Resolution.

S. J. R. 13. Be it resolved by the Senate, the House concurring, That a joint committee of six, three from the Senate and three from the House, be appointed to examine the offices of the State Auditor and State Treasurer, as provided by Section 906 of the Code of Alabama.

Which, under a suspension of the rules, was adopted, and the President pro tem, appointed as the committee on the part of the Senate, Messrs. Moody, Renfro and Kilby.

Mr. Screws offered the following Senate Joint Resolution:

S. J. R. 14. Whereas, The cities of Birmingham, Montgomery and Gadsden have already, by overwhelm-

ing majority, declared in favor of the commission plan of government for said municipalities, and many other cities are known to be earnestly desirous of adopting such plan, and

Whereas, the commission form of government, wherever same has been the governing plan of municipalities has met with marked and almost marvelous success, and

Whereas, sincere and enthusiastic advocates of commission government differ as to the various provisions which should be embodied in the plan in this State to serve the greatest good,

Now, Therefore, be it Resolved, by the Senate, the House concurring, That a joint committee of three on the part of the Senate and four on the part of the House, be appointed for the purpose of considering the various forms of commission government, and as a result of their deliberations, to draft a measure embodying their conclusions, and report same with their recommendations, to their respective houses.

Which, under a suspension of the rules, was adopted, and the President pro tem. appointed as the committee on the part of the Senate, Messrs. Screws, Allen and Kilby.

Mr. Godbold offered the following resolution :

S. R. 15. Resolved, That the President pro tem. of the Senate is hereby empowered to appoint an assistant to the Inspector of the Journal whose compensation shall be four dollars per day, the same to be certified and paid in the manner provided by law for other employees of the State, and who shall perform such other clerical work as the President pro tem. may direct.

Which was read and referred to the Committee on Rules.

COMMUNICATION.

The following communication was read to the Senate and referred to the Committee on Temperance.

Forest Home, Ala., Jan. 9th, 1911.

The Honorable President of the Senate,
Montgomery, Ala.

Honorable Sir:

The following petition was unanimously adopted at the regular session of the Butler County Baptist Association at Georgiana, Alabama, October 27th, 1910, and the clerk was instructed to memorialize the President of the Senate and Speaker of the House of Representatives with said petition.

PETITION.

The Delegates and Visitors of the Butler County Baptist Association.

To the Honorable Legislature of Alabama:

We hereby petition your honorable body to preserve the present state-wide prohibition law against the manufacture and sale of intoxicating liquors within the borders of the State of Alabama, by refusing to repeal any part of this law, or by the enactment of any measure that would permit the manufacture or sale of intoxicating liquors in any part of the State.

(Signed) J. G. Reynolds,

W. A. Glenn,

Clerk.

Moderator.

ORDER TO PRINT.

On motion of Mr. Screws, 300 copies of:

S. 8. To establish a commission form of government in the cities, towns and villages in this State, printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in Senate Joint Resolution No. 12, requesting Hon. Emmet O'Neal to take the oath of office in the House of Representatives before the two houses at noon Monday, January 16, 1911.

Committee on the part of the House: Messrs. Pitts and Long.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in Senate Joint Resolution No. 13, relative to the appointment of a committee to examine the books of the State Auditor and State Treasurer.

Committee on part of the House, Messrs. Bush, Cranford and Johnson.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

RECESS.

On motion of Mr. Norman at 1:30 o'clock the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

Saturday, January 14, 1911.

Senate reassembled at 3 o'clock P. M.

ROLL CALL.

The roll of the Senate was called and a quorum of the Senate was present.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, from the Committee on Rules, reported without recommendation Senate Resolution No. 15.

Mr. Godbold moved that said resolution be adopted, which motion prevailed.

ADJOURNMENT.

At 3:30 o'clock P. M., on motion of Mr. Norman, the Senate adjourned until Monday, January 16, 1911, at 10 o'clock A. M.

SIXTH DAY.

Monday, January 16, 1911.

Senate met pursuant to adjournment, President pro tem. Morrow presiding.

PRAYER.

By Mr. Norman of the Senate.

ROLL CALL.

Present:

Messrs.	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovlace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Sprott
Curry	Morrow	Stevens
Fite	Moulthrop	Tunstall
Folmar	Nance	Stokes
Frazer	Norman	Vaiden

—32.

JOURNAL.

On motion of Mr. Screws, the reading of the Journal of yesterday was dispensed with, and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sherrod:

S. 28. To provide for and regulate the manufacture and sale of "Commercial Feeding Stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing such "Commercial Feeding Stuffs" and to fix penalties for violations of this act.

Agriculture.

By Mr. Sherrod:

S. 29. To regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township Seven, Range Nine West, in said County and to repeal an act entitled, "An Act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township Seven, Range Nine West, in said county," approved December 11th, 1873, and to repeal an act entitled "An Act to amend an Act to regulate the disposition and management of the bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in township seven, range nine west, in said county, approved December 11th, 1873," approved February 18th, 1895.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that at the next regular session of the Legislature of Alabama, which will convene on the Second Tuesday in January, 1911, a bill in substance as follows, will be introduced.

A BILL

Entitled "an act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence county Alabama, for the benefit of free public schools in township seven, range nine, west in said county and to repeal an act entitled "An Act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence county Alabama, for the benefit of free public schools in township seven, range nine west, in said county," approved December 11th, 1873 and to repeal an act entitled "An Act to amend an act to regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township seven, range nine west, in said county, approved December 11th, 1873" approved February 18th, 1895.

Whereas, James Wallace, late of Lawrence county, Alabama, departed this life, and by the terms of his last will and testament, he bequeathed a certain sum of money, to be used for the benefit of the free public schools of township 7 range 9 west of said county.

And whereas it is now found that it is impossible to loan out said sum of money at the rate of interest and according to the law as prescribed in certain acts of the Legislature of Alabama relative to such fund:

And whereas there is now in the hands of Robert P. Morrison, as trustee under said acts, the sum of four thousand, five hundred, eighty seven and 48-100 (\$4,587.48) dollars belonging to such fund. Now therefore:

Section 1. *Be it enacted by the Legislature of Alabama*, That the said Robert P. Morrison, as such trustee is hereby authorized to pay said sum of \$4,587.48 into the treasury of the State of Alabama, vesting the same in the said State of Alabama, as trustee for township seven, range nine west of Lawrence county, Alabama, and thereupon the treasurer of the State of Alabama, shall give the said Robert P. Morrison, a receipt and discharge, which said receipt and discharge, shall

release the said Robert P. Morrison from any further liability for said amount so paid to said treasurer, and shall satisfy and discharge any and all mortgages given by the said Robert P. Morrison to secure said money. And upon the payment of said sum of money above stated to the said treasurer, said treasurer shall certify the same to the probate judge of Lawrence county, Alabama, who shall thereupon mark said mortgage or mortgages "satisfied in full and discharged."

Sec. 2. Be it further enacted, That the State of Alabama shall pay six per cent per annum, interest on said fund, which shall be paid to the teachers of the white free public schools of township seven, range 9 west, of Lawrence county, Alabama, in the same manner as interest on sixteenth section funds is now paid.

Sec. 3. Be it further enacted, That an Act, entitled "An act to amend an act, entitled an act to regulate the disposition and management of the bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools of township seven, range nine west, in said county, approved December 11th, 1873," approved February 18th, 1895, and an act, entitled "An act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township seven, range nine west in said county," approved December 11th, 1873, be and the same are hereby expressly repealed.

This October 20th, 1910.

J. G. Smith,
J. R. Martin.
W. P. Roberson.

The State of Alabama, }
Lawrence County, }

This day personally appeared before me, J. M. Irwin, a notary public in and for said State and county, Jourd White, who, after being duly sworn, deposes and says on oath: That he is one of the editors and publishers of the Moulton Advertiser, a newspaper published weekly in Moulton, in said State and county, and that

the attached notice was published in said Moulton Advertiser once a week for four consecutive weeks, previous to this date, to wit: In the issue of said paper published on November 1st, 8th, 15th, and 22nd, in the year 1910.

Jourd White,

Editor and publisher of Moulton Advertiser.

Sworn to and subscribed before me this, the 3rd, day of January, 1911.

J. M. Irwin,
Notary Public.

By Mr. Plowman:

S. 30. To amend sections 1996 and 2032 of the code of Alabama.

Finance and Taxation.

By Mr. Vaiden:

S. 31. To amend sections 2106, 2155 and 2195 of the code of Alabama.

Finance and Taxation.

By Mr. Plowman:

S. 32. To amend section 4619 of the code of Alabama.

Banking.

BILLS RETURNED FROM RULES COMMITTEE AND RE-COMMITTED.

Mr Screws, from the committee on Rules returned the Senate the following bills:

By Mr. Merrill:

S. 3. To provide for a secretary and other clerical help for the supreme court of Alabama, and to amend article 2 of chapter 141 of the code of 1907.

By Mr. Fike:

S. 6. To prohibit the issuing by anyone of checks or orders upon banks or other persons, where the makers of such orders or checks have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

By Mr. Fike:

S. 7. Regulating the administration of estates in the chancery courts of this State, and conferring jurisdiction on said courts in such proceedings to order a private sale of either real or personal property.

And the same were re-referred to the judiciary committee.

COMMUNICATION.

The following communication was read and referred to the committee on Temperance:

To the Honorable Legislature of Alabama:

We hereby petition your honorable body to preserve the present state-wide prohibition laws against the manufacture and sale of all intoxicating liquors, within the borders of the State of Alabama, by refusing to repeal any part of this law, or by the enactment of any measure that would permit the manufacture or sale of intoxicating liquors in any part of the State.

Resolutions passed by Dale County Baptist Association, at session, October 5th and 6th, 1910.

I, A. L. Blizzard, clerk of the Dale County Baptist Association, herein and hereby certify that the above is a copy of the resolution as passed by the said Association, at the time as stated.

Jan. 13, 1911.

A. L. Blizzard,
Clerk of the Association.

In care—

Major Carroll, Representative.

C. A. Stokes, Senator.

RESOLUTION.

Mr. Vaiden offered the following resolution:

S. R. 17. Resolved that the doorkeeper of the Senate, be, and he is hereby instructed to have a telephone

placed in the ante-room of the Senate Chamber for the use and convenience of the Senators.

Which was read and referred to the committee on Rules.

APPOINTMENT OF SPECIAL COMMITTEE.

On motion of Mr. Moody, Messrs Vaiden, Sherrod and Screws were appointed a committee to arrange for the Senate, in the Inaugural Parade.

ADJOURNMENT.

At 11:05 o'clock a. m. on motion of Mr. Sherrod the Senate adjourned until 10:30 o'clock tomorrow morning.

SEVENTH DAY.

Tuesday January 17, 1911.

Senate met pursuant to adjournment. President pro tem Morrow presiding.

PRAYER.

Prayer by Mr. Norman of the Senate.

ROLL CALL.

Present:

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovell	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Sprott
Curry	Morrow	Stevens
Espy	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Norman	Vaiden
Frazer		

JOURNAL.

On motion of Mr. Frazer, the reading of the Journal of yesterday was dispensed with and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sprott:

S. 33. To prohibit the manufacture for sale, the sale, lending, giving, bartering, exchanging, delivering, or otherwise disposing of spirituous, vinous, malt or other intoxicating liquors or beverages in Pickens county, Alabama.

Local Legislation.

With notice and proof as follows:

NOTICE.

An act to prohibit the manufacture for sale, the sale, lending giving, bartering, exchanging, delivering, or otherwise disposing of spirituous, vinous, malt or other intoxicating liquor or beverages in Pickens county, Alabama.

Be it enacted by the Legislature of the State of Alabama:

Section 1. That any person, firm or corporation who manufactures for sale, sells, lends, gives, barters, exchanges, delivers or otherwise disposes of any spirituous, vinous, malt or other intoxicating liquors or beverages, except for sacramental purposes by any christian church within the county of Pickens, in the State of Alabama, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars at the discretion of the jury or court trying the same; and an additional punishment by imprisonment in the county jail or sentence to hard labor for the county for not less than three months, may be imposed by the judge of the court trying the same.

Sec. 2. That this act shall become operative and effective immediately after its passage and approval by the governor.

PROOF.

The State of Alabama, }
Pickens County. }

Before me, L. C. Hudgins, judge of the probate court of said county, personally appeared A. W. Struthers who, being by me first duly sworn, deposes and says that he is the publisher of the "West-Alabamian," a weekly newspaper published in the town of Carrolton, in said county and the above and foregoing notice was published in said paper for four consecutive weeks next prior to the date hereof.

A. W. Struthers,

Sworn to and subscribed before me this the 11th day of January, A. D., 1911.

L. C. Hudgins,
Probate Judge.

By Mr. Johnson, Probate Clerk.

By Mr. Sprott:

S. 34. For the relief of Walter D. Windham, Senior, of Pickens county.

Local Legislation.

With notice and proof as follows:

NOTICE.

A bill will be introduced at the next session of the Legislature of Alabama, substantially as follows:

"An act for the relief of Walter D. Windham, Sr. Whereas Walter D. Windham Sr. is the owner of two Alabama State Funding bonds numbered 467 and 470 of \$1,000.00 each; and whereas on or about the 30th day of December, 1907, the said bonds were lost, destroyed or stolen from said Walter D. Windham, therefore, be it enacted by the Legislature of the State of Alabama, That the treasurer of the State of Alabama is hereby authorized and directed to issue to

said Walter D. Windham of Pickens county duplicates of Alabama State Funding bonds numbered 467 and 470, and all interest coupons attached to said bonds due or to become due since the 30th day of December 1907, and to pay to said Walter D. Windham the amounts due from said bonds and the interest thereon when the same becomes due and payable; provided however, that said Walter D. Windham shall first execute a bond payable to the State of Alabama, in such sum as shall first be prescribed by said treasurer and to be approved by said treasurer, conditioned to indemnify and repay the State for any loss or damage that may be occasioned to it by reason of the payments made or to be made under the provisions of this act."

W. D. Windham.

The State of Alabama, }
Pickens County. }

Before me, M. B. Curry, a notary public, in and for said State and county, personally appeared A. W. Struthers, who being duly sworn, to speak the truth, the whole truth and nothing but the truth, doth depose and say that he is the publisher of The West Alabamian, a weekly newspaper published at Carrolton, in said county, and that the foregoing notice was duly published in said paper for four consecutive weeks prior to this date, and as above set forth.

A. W. Struthers.

Sworn to and subscribed before me, this January 3rd, 1911.

M. B. Curry,
Notary Public.

By Mr. Sprott:

S. 35. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, or proprietary medicines, or alcoholic drinks in Sumter County, Alabama; provided, this act shall not prevent its use for religious or sacramental purposes; and to prohibit the bringing into said county by any person for the use of any person other than him-

self any such spirituous, vinous or malt liquors, intoxicating bitters, intoxicating beverages, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving orders for spirituous, vinous, or malt liquors, intoxicating beverages, bitters, cordials, or alcoholic drinks or intoxicating proprietary medicines in said county over any telegraph or telephone line and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, proprietary medicines, or alcoholic drinks to any point within this State, and to prohibit any person, firm or corporation in the State of Alabama from shipping into Sumter county from any point in said State, spirituous, vinous or malt liquors, intoxicating bitters, beverages, cordials, proprietary medicines, or alcoholic drinks and to provide penalties for all such prohibited acts and to repeal all laws in conflict therewith.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, "To prohibit the selling, giving away or disposing of spirituous, vinous or malt liquors or alcoholic bitters, cordials or beverages of any kind in Sumter county. The purpose of said bill being to re-enact the prohibition law of Sumter county, as heretofore existing in said county before the passage of the present prohibition laws of the State.

S. H. Sprott.

November 29th 1910.

State of Alabama, }
Sumter County. }

Personally appeared before me, P. B. Jarman judge of the probate court in and for said State and county,

C. H. Allen, who being duly sworn according to law, deposes and says, that he is the publisher of the Sumter County Sun, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been in said newspaper for four weeks consecutively, to wit: In the issues dated Dec. 1, 1910, and Dec. 8th, 1910, and Dec. 15th, 1910, and Dec. 22nd, 1910, and Dec. 29th, 1910.

C. H. Allen.

Subscribed and sworn to before me this the 12th day of January, 1911.

P. B. Jarman,
Probate Judge, Sumter Co. Ala.

By Mr. Sprott:

S. 36. To amend section 2296 of the code of 1907.
Judiciary.

By Mr. Sprott:

S. 37. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experiments in the several counties of Alabama to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to ascertain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

Agriculture

By Mr. Sprott:

S. 38. To authorize the State of Alabama to purchase the sixth volume of Mayfield's Digest of Alabama Reports.

Judiciary.

By Mr. Plowman:

S. 39. To appropriate sixty-five thousand dollars (\$65,000) to the Alabama Schools for the deaf and blind.

Finance and Taxation.

By Mr. Plowman:

S. 40. To fix the salary of the judge of the city court of Talladega, for Talladega county, Alabama, and to provide for the manner of the payment of the same.

Local Legislation.

With notice and proof, as follows:

A BILL.

To be entitled "An act to fix the salary of the judge of the city court of Talladega, for Talladega county, Alabama, and to provide for the manner of the payment of the same."

Section 1. *Be it enacted by the Legislature of Alabama*, That the salary of the Judge of the city court of Talladega, for Talladega county, be and the same is hereby fixed at three thousand (\$3,000) dollars per annum, and that the same shall be paid as now provided by law.

Sec. 2. That all laws and parts of laws in conflict with the provision of this act shall be, and are hereby repealed.

State of Alabama, }
Talladega County. }

Personally appeared before me, Emma Huey, a notary public, in and for said State and county, John C. Williams, who, being duly sworn, deposes and says that he is editor of the Talladega Daily Home, and that he has knowledge of the facts contained herein, and authority to make this affidavit; that notice of the intention to apply for a local law, a copy of which notice is hereto attached, has been published without cost to the

State, in Talladega county, Alabama, and that the said notice states the substance of the proposed law and has been published once a week for four consecutive weeks, to wit, the 14th day of December, 1910, 21st day of December, 1910, 28th, day of December, 1910, and 4th day of January, 1911; in the Talladega Daily Home, a newspaper published in Talladega, Talladega county, Alabama.

John C. Williams.

Sworn to and subscribed before me this the 16th day of January, 1911.

Emma Huey,
Notary Public, Talladega County, Ala.

By Mr. Plowman:

S. 41. To amend section 1942 of the code.

Revision of Laws.

By Mr. Screws:

S. 42. To amend section 7692 of the code of 1907.

Commerce and Common Carriers.

By Mr. Screws:

S. 43. To require the supreme court, in certain cases, to reduce judgements of the lower court, when the judgment of the lower court is excessive, and to render final judgments.

Judiciary.

By Mr. Screws:

S. 44. To amend section 6245 of the code, regulating appeals in habeas corpus cases.

Judiciary.

By Mr. Screws:

S. 45. To increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that application will be made to the next Legislature of the State of Alabama, which

convenes January 10, 1911 for the passage of an act to increase the salary of the solicitor of Montgomery county from \$3,000 to \$4,200 annually to be paid out of the fund of the county treasury of Montgomery county, in monthly installments of \$350; the provisions of this act to take effect from and after the 1st of January, 1915.

State of Alabama, }
Montgomery County, }

Before me, Ida Lewis, a notary public, in and for said county in said State, personally appeared E. B. Hilliard, who being first duly sworn, and who is known to me, deposes and says that he is the Local Advertising Manager of the Montgomery Evening Times, a daily newspaper published in the city and county of Montgomery, State of Alabama and that he knows of his own knowledge that the notice hereto attached appeared in said paper on the following dates: November 10th, November 17th, November 25th, and December 1st, 1910.

Given under my hand this the 6th day of December, 1910.

E. B. Hilliard.

Sworn to and subscribed before me this the 6th day of December, 1910.

Ida Lewis,
Notary Public Montgomery County, Ala.

By Mr. Screws:

S. 46. To amend section six of an act entitled "An act to further regulate elections in the State of Alabama." Approved Nov. 23, 1907.

Privileges and Elections.

By Mr. Renfro:

S. 47. To repeal sections 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661 of the code of Alabama.

Judiciary.

By Mr. Fite:

S. 48. To repeal section 4484 of the code of Alabama of 1907.

Judiciary.

By Mr. Fite:

S. 49. To amend section 4482 of the Code of Alabama of 1907.

Judiciary.

MESSAGE FROM THE GOVERNOR.

The Senate received the following message from his Excellency the Governor.

Chief Executive Department, Alabama.

Montgomery, Jan. 17, 1911.

To The Senate:

I am directed by the Governor to transmit to you the following message in writing:

Lee Cowart,
Private Secretary.

GOVERNOR'S MESSAGE.

To the Senate and House of Representatives:

No Legislature ever convened in Alabama whose deliberations will arouse more public interest, or whose actions will exert more potent and lasting influence on the future of the State than the body of which you are members.

Your election was itself a protest against unwise, extreme and radical legislation, and an emphatic demand for the restoration of that spirit of conservatism, which while wisely progressive, refuses to embark the State upon novel, untried and half-considered legislative experiments or dangerous innovations.

You are the picked and chosen men of the communities from which you come, vested with the sovereign law-making power of the people you represent, and in your patriotism, intelligence and fidelity they repose implicit trust.

You constitute one of the great coordinate departments of the government. You possess all the authority of a sovereign parliament. There is no limitation upon your powers, save such as are written upon the pages of the State and Federal Constitutions.

Although we are sometimes impatient with our State Legislature, the people still have faith in their law-making department. To lose faith in you is to lose faith in our system of government.

Government by representation is a principle derived from the oldest custom of the Anglo-Saxon race. Students of English constitutional history can trace the **existence of representative assemblies to every period of its national existence—even to remote antiquity.**

With all its defects, a representative system is the best which the wisdom and experience of mankind has yet devised. It is only when we lose faith in our local Legislatures, are we ready to give heed to the radical suggestions of change, made by those who advocate the virtual abandonment of the representative principle, by the use and substitution of the initiative and referendum in our processes of legislation. It is, therefore, upon you that the people must rely for all of the more intimate measures of self-government. The whole field of law is yours—the regulation of domestic relations—of employer and employee—the adjustment of property rights—the definition and punishment of crime—the regulation and establishment of corporations—the exercise of the police power in all its manifold scope—the whole field of contract, and wider field of commercial and municipal law.

You are fresh from the body of the people—whose confidence you have earned—and you will fearlessly and honestly give expression to their aspirations and their calm and deliberate judgment.

In the solution of the many perplexing problems which confront the State, you will not be deterred from a courageous performance of your duty by the efforts of discredited agitators—by false clamor engendered for selfish purposes—or by undue or improper influences.

I am constrained to believe that guided by justice, controlled by moderation, and inspired solely by a desire to promote the best interests of our people, you will fearlessly and wisely proceed to do the work before you, in order to bring tranquility to the State, to promote and protect all her great interests, to encourage

the development of our enormous resources, to secure a wiser and better system of law enforcement, and to stimulate our industrial enterprises. This can only be accomplished by removing from our statute books all unwise legislation, and by solving the difficult questions presented for your consideration with justice and with wisdom.

You should not overlook the fact that the people of Alabama have in three elections placed the stamp of their disapproval upon all efforts to invade those reserved and inalienable rights of the citizen, embodied in the organic law, and intended to be forever inviolate against legislative trespass and encroachment. You should not forget that in those three elections the people have expressed their condemnation of that spirit of radicalism which has retarded our prosperity, checked investments, and made personal property rights insecure.

Your election was an imperative demand that the platform of the party you represent should be observed. Its declarations constituted a contract between you and the people, a violation of which will receive and deserve their stern condemnation.

Your election, as well as mine, was a clear, positive and unambiguous mandate by the people for the restoration of that spirit of moderation and conservatism under whose inspiring influence Alabama will confidently and triumphantly advance to the great future that awaits her.

By the express terms of Section 123 of the Constitution it is made the duty of the Governor "from time to time to give to the Legislature information of the state of the government, and to recommend for its consideration such measures as he may deem expedient." This is also followed by the requirement that the Governor shall at the commencement of each regular session of the Legislature "give information by written message of the condition of the State." This latter duty has already been performed by my distinguished predecessor at the commencement of this session. The incoming Governor was not clothed with the duties of office at the commencement of the regular session of the Legislature,

nor had he official access to those sources of information which would enable him to properly perform that duty. I do not understand that the constitution-makers contemplated the duplication of the same labor. I shall, therefore, content myself with giving you such information of the State of the government, and recommending for your consideration such measures as I may deem expedient.

FINANCIAL CONDITIONS.

The report of the State Auditor shows that the revenues of the State from all sources for the fiscal year ended September 30th, 1910, were \$5,368,144.24, and that the disbursements for the same period were, \$5,698,432.52, being an excess in disbursements over receipts of \$330,288.28.

For the past four years the total receipts and disbursements of the State were as follows:

	Receipts.	Disbursements.
1907-----	\$3,975,454.33	\$4,008,329.61
1908-----	4,661,902.35	5,149,045.52
1909-----	4,707,245.28	5,368,046.88
1910-----	5,368,144.24	5,698,432.52
<hr/>		<hr/>
Total 4 years----	\$18,712,746.20	\$20,233,854.53

The total excess of disbursements over income for the four years, being \$1,521,108.33.

The cash in the Treasury at close of business Sept. 30th, 1910, as shown by the reports of the Treasurer and of the Auditor, taking outstanding warrants into consideration, was \$370,739.34. As the State Treasurer does not, in the usual course of business, receive remittances from the Tax Collectors in the various counties until after January first, it has been necessary during the months of November and December for the past two years to resort to unusual expedients to enable the Treasury to meet its obligations during those months. Under the Constitution, \$300,000 is fixed as the limit that the State can borrow on its note, but arrangements

were made with various banking institutions to purchase warrants drawn on the State Treasury, and to hold maturing coupons on State bonds, so that the obligations of the State have been promptly met and its credit maintained.

The Legislature that convened in 1907 found a large surplus in the Treasury, and it made more liberal appropriations, chiefly for educational purposes and for pensions to the old soldiers, than any preceding Legislature had done. The appropriations made by the last Legislature were in the main meritorious, and there is no disposition in this message to criticise any of the expenditures made. Your attention, however, is called to the fact that your immediate predecessors in making appropriations anticipated, in a great measure, the requirements and the resources of the State for a period of about eight years instead of four, so that strict economy will be necessary on your part to enable the present administration to leave a fair working balance in the Treasury. We should avoid, if possible, any increase in the burdens of taxation. With the normal growth of the State, taxable values will increase in a natural way, so that the revenues will be ample for ordinary requirements. It should be borne in mind that the State Government belong to the people; that taxes, being collected from the people, should be expended for their protection and benefit. An ideal condition, therefore, would be to obtain a revenue just sufficient to meet the requirements of a progressive State, avoiding a surplus as well as a deficit.

There has been a tendency in recent years toward prodigality in National, State and Municipal affairs, but there is now a universal demand on the part of the people for retrenchment.

The total amount of general taxes paid into the State Treasury during the year 1890, was \$1,042,618.03, against \$5,368,144.24 in 1910, an increase of over 425 per cent. in the twenty years, during which time the population has increased less than 40 per cent. Yet during the same period there has been an enormous increase in taxable values and wealth. Our entire revenue system needs careful revision. Men who will

scrupulously comply with every financial obligation, are too much inclined to evade the payment of what they honestly owe the Tax Collector. The great bulk of personal property escapes taxation, and the necessary result is that real estate must bear more than its just proportion of the burthen.

I suggest that a Joint Committee of the Senate and House be appointed to carefully investigate and report the present financial condition of the State. Until this is done we cannot intelligently determine what reduction should be made in our expenditures. The State now faces a deficit and its exact amount should be ascertained.

STATE BANKS.

The growth of the banks of Alabama, both in numbers and in deposits, has more than kept pace with the expansion of the State in population and industrial development. Unfortunately this growth has been marred in the recent past by some failures of a most inexcusable and disgraceful description, and through the shameless violation of the commonest rules of sound banking. I am persuaded that these failures and all the harm to many hundreds of depositors, could have, and would have been prevented by a Department of Banking properly equipped and clothed with authority and charged with responsibility.

It is the well settled policy of the general government and of the States to provide by law for the regulation of all trusts and trustees, and wherever any person or corporation is given authority to invite and to handle the money of the people, the general government and the States accept a corresponding duty to guard and protect the innocent and unsuspecting multitude from abuse of their confidence. It is well recognized that banks are one of the most important agencies of business in promoting the welfare and prosperity of the people, and a duty rests upon the State to leave nothing undone that will insure for the people the soundest and safest banking system that the wisdom of statesmen can provide. We should enact laws that will elevate the system of bank supervision in Alabama to the

very highest plane, and to this end I recommend that our present system of bank regulation be raised into a separate department of the State government, under the control of an officer whose authority shall be ample and shall be backed by adequate penalties. This authority should begin with the organization of the bank, to the end that adventurers may be prevented from ever gaining a start, and should follow the bank so long as it is the repository of the money of the public. I do not anticipate that any conservative and sound banker will oppose the creation of such a department nor object to the closest regulation or the severest penalties for violations of the rules of a safe and prudent trusteeship. Nor should the banks object to bearing the major part of the expense, since their prosperity is advanced by whatever may promote their safety and strengthen public confidence.

We are admonished of the importance of this subject by the rising tide of prosperity and development that is about to flood the South with the approaching completion of the Panama Canal. The growth we have had in Alabama is but a foretaste of what we will have, and such periods are always and everywhere characterized by an inrush of adventurers, and fake banks are their favorite method of exploiting the people. We should especially throw around the organization of new banks such safeguards and restrictions as will prevent the entry of mere adventurers into the field of banking, which is peculiarly inviting to their activities and in which disaster causes so much of suffering to the mass of their clients and victims.

PROHIBITION LAWS.

No other legislation in the history of the State has provoked such angry controversy and discussion or created such political discord, bitterness and acrimony as the statewide prohibition laws enacted at the special session of the Legislature in 1907 and 1909. The submission by the Legislature at the extraordinary session of 1909 of a constitutional amendment on the subject of prohibition, within the earliest period allowed by the organic law, precipitated the bitterest and most acri-

monious political contest ever waged in Alabama. It divided our people into opposing political factions. It aroused passion and engendered intolerance, severed friendships, and created that spirit of discord and division so fatal to industrial and moral development.

The liquor question, in all its aspects and phases, has been the subject of earnest debate and discussion in three political campaigns. Its just and proper settlement in accordance with the wishes of the people—whose trusted agents you are—and in compliance with the solemn pledges of the party platform is of vital moment; and is demanded alike by the cause of true temperance, of law and of order, and is essential to the restoration of that peace and tranquility so necessary to our progress and development.

Among the many questions which will be presented for your consideration there is none about which our people are more deeply interested. The great body of our people are temperate and law-abiding. They admit the evils of intemperance and uphold the best standards of morality and good citizenship. It is this class of our citizens, who in a great measure support and maintain the churches of the different christian denominations of the State; and they stand for the rule of the majority as understood and expressed by the advocates of local option. Whatever may be our individual views as to this question, or how much we may differ as to the best and wisest methods to secure its control and settlement, I am tolerant enough to believe that we are all seeking to accomplish the same results—the promotion of temperance and sobriety among our people.

That present conditions are deplorable in many portions of the State every fair and candid man must admit, but in order to reach correct conclusions upon this important issue a brief history of our legislation on this subject is necessary.

REVIEW OF THE PROHIBITION LAWS OF THE STATE.

Prior to the passage in 1907 of the statewide prohibition law, prohibition had not been a political issue in Alabama. The question had never been submitted to the electorate of the State. Neither of the leading po-

litical parties had ever declared in its favor. Local option had been the accepted creed of both. The whole question of regulating, controlling or prohibiting the liquor traffic, had been committed to the local members of the Legislature of the respective counties of the State.

Prior to the passage of the bill commonly known as the Ballard Law, prohibition had already been adopted in a majority of the counties of the State by special or local laws. This was accomplished generally by the direct action of the local members and in some instances by referendum to the people.

The first agitation of the liquor question that occurred in this State was when dispensaries were adopted by numerous counties after that system had been introduced in South Carolina. But during all the period prior to the special session of 1907 it was generally recognized that the method of regulating and controlling the liquor traffic, whether by high license, dispensaries or prohibition of its sale, was a local matter to be committed to the counties or communities affected. Hence, before the adoption of the policy of statewide prohibition, Alabama enjoyed practical prohibition, with the exception of the larger business centers, while licenses or dispensaries were issued under local option. In the rural communities and in the smaller towns and villages, and in sparsely settled communities where sufficient police protection was lacking, as well as in a majority of the counties of the State, prohibition had been favored, and justly favored, as the best method of dealing with the situation. The State collected a license, graded according to the population of the city or town, and being very moderate in amount. The method of procuring a license was by petition addressed to the Probate Judge and signed by 20 householders and freeholders, certifying to the good moral character of the applicant. No commission, board or other official was vested with any authority to investigate the character and fitness of the applicant for license, and any man who could secure the requisite names could procure a license. The regulations and restrictions upon the traf-

fic were meagre, crude, and to a large extent valueless. There were no laws upon our statute books securing the purity of the liquors sold or preventing adulteration. There were no restrictions on the right of the brewers or distillers to establish retail establishments wherever the sale of liquor was legalized. There were no restricted districts, supervision or practical methods of regulation. The necessary result was that under a system so crude and ill-constructed, countless dives were established in our larger towns and cities, where the vilest and most poisonous liquors were sold and where crime and lawlessness were frequently bred. The rivalry which sometimes existed between the larger breweries to increase the sale of their wares frequently resulted in their employing men to operate retail establishments without proper reference to their character or standing. The inevitable result was that the abuses which followed aroused public sentiment and intensified the feeling against the sale of liquors in any form. Candor compels us to admit that these flagrant abuses, resulting from insufficient and inadequate laws to regulate and control the liquor traffic, were to a large extent responsible for the bitter feeling which swept over the State.

Instead of seeking to correct the evil by removing the cause, amending our statutes and adapting our laws to suit the conditions which confronted us, or taking advantage of the experience of other States and countries, we inaugurated a crusade against the entire liquor traffic. These conditions furnished the desired opportunity for the fanatic, the demagogue, the agitator and the selfish politician. Prohibition suddenly became the avenue to political success and political prominence. The prohibition wave which swept our country, seemed to be overpowering and irresistible;—all conservatism was abandoned, and he who was loudest in his denunciation of the traffic, who proposed the most extreme and radical measures, even the confiscation of property which had been acquired under the sanction of law, attracted the most attention, and won the most popularity. The in-

evitable reaction which always follows unwise, radical and arbitrary enactments, necessarily resulted.

COUNTY LOCAL OPTION LAW.

At the first regular session of the Legislature after the advent of the recent administration, a local option bill was passed. The platform of the dominant party had declared in favor of local option and the members of the Legislature were committed by their party pledges to that policy, but the law which was enacted was only a local option law in name. It permitted the people of a county where the sale of liquor was allowed to outlaw the traffic, but it denied the right to restore the sale of liquor in any county where it had been prohibited. The law, instead of being in compliance with, was in repudiation of the local option policy to which the candidates nominated by the dominant party and elected by the people were pledged. If the sale of liquor was prohibited in a county, that prohibition must continue indefinitely without any right on the part of the people to make any change. This law was termed by the Codifiers a "County Local Option Prohibition Law," and the name which they gave it was not a misnomer. There was no effort made by the Legislature which enacted this County Local Option Prohibition Law to amend or improve the laws regulating the traffic in intoxicating liquors, or to correct admitted evils or abuses. On the contrary, under the leadership of paid agitators, a crusade was commenced in almost every county where the sale of liquor was legalized. This agitation culminated in the passage of a statute prohibiting the sale or manufacture of intoxicating liquors in Alabama, in November, 1907, which law went into effect on the first of January, 1909. The passage of this law provoked widespread criticism and unfavorable comment from a large portion of our people. That the Legislature was acting within its powers cannot be denied, but it was justly claimed that a body pledged by party platform to local option could not in good faith enact so radical a law without resubmission

to the people. Absolute observance of pledges made to the people by their trusted representatives is essential, if respect for popular government is to be preserved.

But scarcely had the statewide prohibition law of 1907 been in effect six months, before it was claimed that it was being openly violated in all of the larger towns and cities of the State and its advocates announced that the remedy for that condition could only be found by the passage of other and additional laws.

My distinguished predecessor in his message to the Legislature on July 27th, 1909, declared that "the statewide prohibition law has been found inadequate of enforcement, and evasions of the law have been many and apparently easy."

When the special session of the Legislature assembled at the Capitol on July 27th, 1909, the most radical element of the advocates of the prohibition policy had absolute control of the Legislative Department and the sympathy and co-operation of the Chief Executive. They were given a free hand in all legislation on the subject. The more conservative members of the Legislature were in a hopeless minority, and the propaganda of reform outlined by the leaders of the prohibition movement met with little, if any serious opposition. The opposition was too small in numbers to obstruct or even delay the proposed legislation. The passage of the Carmichael and Fuller laws, as well as the submission of a constitutional amendment, prohibiting the sale and manufacture of liquors, marked the high tide of prohibition sentiment in Alabama. That these laws were more radical and extreme than any which had ever been placed upon the statute books of any State of the Union, their most ardent advocates cannot truthfully deny. A brief review of their provisions is necessary.

CARMICHAEL, FULLER AND OTHER LIQUOR LAWS, SPECIAL
SESSION 1909.

The Fuller bill declared in express terms that it was the future policy of the State to discourage the use and consumption of intoxicating liquors and beverages.

While hesitating to declare in direct terms that the use of liquor was illegal and constituted a penal offense, the Legislature through the laws enacted sought indirectly to accomplish that very result.

The purpose of the Fuller and other laws passed at the special session was not merely to prevent the sale—to outlaw the liquor traffic in all its forms—but to prevent as far as possible, except by direct prohibition, the use and consumption of intoxicating liquors. The sale of beverages confessedly non-intoxicating, containing as much as one-half of one per cent. of alcohol was made illegal. It was claimed that the sale of non-intoxicating liquors and beverages containing the prohibited per cent. of alcohol, while innocent and harmless in themselves, might be used as a cloak for the sale of intoxicating liquors. Yet it must be manifest that such an extension of the police power of the State was both dangerous and far-reaching; it destroyed property rights and placed under the ban of the law drinks which were not calculated to produce intoxication, which *per se* have no influence on the public health or morals and which were harmless in themselves but which were prohibited solely on the ground that they might be used as a disguise for the sale of intoxicating beverages. As was declared by one of our justices, such a construction of the police power might authorize the prohibition of the sale of iced tea or any other beverage which has the color or appearance of whiskey.

By another provision of the Fuller law the keeping of liquors or beverages containing over one-half of one per cent. of alcohol in any building not used exclusively as a dwelling, was made *prima facie* evidence of a sale or other unlawful disposition.

The delivery of liquor to any building not used exclusively as a dwelling, or its removal from such a place, was made *prima facie* evidence of an unlawful sale.

Another novel provision of the Fuller bill was a denial of the right of persons confined in jails to the use of liquor even when prescribed by a physician. Although the physician might believe that an alcoholic

stimulant was required, he was permitted only to prescribe pure alcohol.

JURY TRIALS.

Under the Fuller law, prosecutions could be commenced by affidavit, and when one was begun the right to demand an indictment, by grand jury was denied. If the prosecution was begun in a court where jury trials were provided, demand for trial by jury must be made within five days after bond was given, and if no bond was given, then within five days after arrest. If no jury trial was demanded in accordance with the provisions of the statute the right was waived. If the prosecution was commenced in a court where a jury trial was not provided, the law required the trial to proceed, even where a jury was demanded. The Constitution declares that the right of trial by jury shall be inviolate, and even though this provision of the Fuller law has been declared constitutional by a divided court, it is unquestionably a dangerous departure from the purpose and intent of the Constitution and the spirit of our institutions. If it is within the power of the Legislature to deny jury trials to one class of offenders in order to secure convictions, the system could be extended and the right of trial by jury, so long regarded as an essential safeguard against arbitrary power, and the safest and best method yet devised by human wisdom for the trial of those charged with crime, would be weakened if not overthrown.

Under the Fuller law the discretion ordinarily given grand juries in misdemeanor cases was withdrawn so far as a violation of the liquor laws was concerned, and that body required to indict where the evidence made out a case, even though the prosecution might not subserve the public good.

The Fuller law also defined in very general and sweeping terms what constituted a common nuisance, and invested summary powers in courts of equity to abate them by granting injunctions even without bond or notice. An elaborate system of searches and seiz-

ures, without affidavit showing probable cause, under the guise of inspection or investigation was created and private citizens vested with the authority to employ attorneys in the prosecution of liquor cases.

One of the most novel provisions of the Fuller bill is found in Sec. 29½, and is as follows:

"No person who testifies with respect to any unlawful act under this statute or other statutes for the suppression of the evils of intemperance shall be prosecuted in respect to any act to which he testifies nor shall his evidence so given be used against him in any criminal proceeding."

The manifest meaning of this provision is to exempt any witness from prosecution for any violations of the liquor law as to which he may testify as well as from any prosecution for perjury. It is rather surprising that a statute whose ostensible purpose was to elevate the morals of the people should contain a provision which legalizes, if it does not encourage, perjury.

These are some of the salient features of a law which its advocates confidently claimed would make prohibition both of the sale and use of liquor as effective as possible by human legislation.

It will be observed that while these laws did not directly deny to the citizen the privilege of indulging in the use of intoxicating liquors, they did declare that their purpose and policy was to discourage its use. The citizen could still order liquor through interstate commerce for his own use, and the liquor when so received was property under the law, but even ordering for one's own use was hedged about with many restrictions. After the liquor reached the depot or point of destination, there was no method of conveying it to the home of the consignee except by his own wagon driven by himself. If found in the possession of another person, even for delivery, it was apparently subject to seizure and the person driving the team liable to punishment. The courts of Alabama, as well as the courts in other States, have almost uniformly held that liquor in the possession

of a citizen for his own use was property and entitled to the same protection as other property. It is therefore difficult to understand on what theory the Legislature could create violent and arbitrary presumptions of guilt based on the possession of one's own property, yet under the provisions of the Fuller law the possession of what the courts of the State have declared to be property was made the basis of a *prima facie* presumption of guilt. It has been repeatedly declared by our highest judicial tribunals that it was not within the power of the Legislature to create violent and arbitrary presumptions of guilt based upon facts, equally, if not more consistent with innocence. It is not within the power of the Legislature to change the burden of proof as established by the common law and secured by the constitution. Yet that both were done by the Fuller law does not admit of question.

Intoxicated with power—mistaking the sentiment of the people—the spirit of radicalism which gave birth to the Fuller and Carmichael laws found its final expression in the passage of the constitutional amendment. Calmly and impartially considering that amendment after the passion and bitterness engendered by the campaign which followed its submission has subsided, it cannot be denied that it was more revolutionary than any which has ever before been proposed in any State of the Union.

The convention which assembled in Montgomery on Sept. 15th, 1909, to organize a campaign to secure its defeat unquestionably represented the calm, thoughtful and conservative judgment of an overwhelming majority of our people.

After full and fair discussion the ratification of that amendment was crushingly defeated. Its rejection by the people by a majority so decisive, conclusively established the fact that the radical policies and enactments of the special session of 1909 on the liquor question did not meet the approval of our final court of appeals—the electorate of Alabama.

Yet the Fuller, Carmichael and other laws enacted by the last Legislature are still in force.

Have they accomplished the results so confidently expected by their advocates? Have they lessened the sale and consumption of intoxicating liquors, decreased crime and promoted temperance and sobriety among our people? Have the present laws behind them that strong and potent public sentiment without which sumptuary laws only increase the evils they seek to mitigate? Have they proven more efficient or succeeded in securing more general observance than the laws they superseded? These are questions you must answer, and with courage in action and with justice in judgment.

I confidently believe that you will solve this question with such wisdom as is possible to the finite mind.

It is useless to shut our eyes to facts known to all observing men that the present prohibition laws are openly, flagrantly and continuously violated in all the large cities and towns of the State, and that more licenses are issued, it is claimed, by the United States government for the sale of liquor in Alabama than during the period when the saloon was in existence.

Lord Macauley has wisely said that the violation of even the most unreasonable law tended to make a nation altogether lawless. Is that the condition to which we are approaching?

The peace and dignity of the State, the promotion of temperance, and that majestic supremacy of the law upon which alone depends our peace and security, alike demand that a remedy for the deplorable conditions now existing in the larger cities of the State should be found.

What is the remedy? Shall we seek to give additional strength and power to the laws now upon our statute books? No one can be so blinded by prejudice or intolerance as to deny that never before in any State have the advocates of the policy of controlling the habits of the individual man and of extirpating the evils of intemperance and suppressing the liquor traffic, had such an opportunity of carrying out their ideas of reform as in Alabama. With a Legislature ready and willing to enact any laws which might be proposed—

however arbitrary and unusual—with a Chief Magistrate thoroughly in accord with the aim and policies of the prohibition leaders and sincerely believing that the laws could be enforced, the plan of suppressing the liquor traffic and making men sober and temperate by law never had such an opportunity for success as in this State.

If prohibition has been a woeful failure in the larger cities of the State it cannot be justly claimed that it is due to any lack of legislation on the subject. Nor can it be justly or truthfully asserted that present conditions are due to failure to enforce the laws now existing. In two of the larger cities of the State the Sheriffs, who are specially charged by the provisions of recent laws with the enforcement of the prohibition statutes, were the appointees of my distinguished predecessor in office, and in the other—the largest city in the State—the present Sheriff has not only been active and diligent in the performance of his duties, but is in thorough accord with all the policies of the law. The mayors and governing bodies of our municipalities have been elected during the past year, while the Fuller and Carmichael laws were in full force and operation, and no one has ever questioned their efficiency, fidelity or earnest efforts to perform their sworn duties.

It is idle then to expect that a remedy can be found in the enactment of additional and more arbitrary or radical laws. The Legislature has already exhausted its powers on the subject, even to the extent of invading the domain of individual right and impairing, if not overthrowing, constitutional guarantees.

After this full survey of all the legislation on this subject, no honest man can truthfully deny that the present prohibition policy has proven a wretched failure in all the larger towns and cities in the State. It has filled them with countless dives where the vilest and most poisonous liquors are illegally sold. It has encouraged graft, burdened our criminal dockets and lowered the standard of public and private morals. It has debauched the youth of the State, engendered a spirit of lawlessness, increased crime, diminished our reve-

nues and promoted intemperance. Men without character, financial standing or responsibility, without restrictions or regulations, men who would be denied a license where regulation prevailed, are now engaged in dispensing their poisonous wares without license or restriction. The officers of the law have been diligent, and yet where grand juries fail to indict and petit juries refuse to convict and public sentiment refuses to sustain prosecutions, the inevitable result has followed.

The remedy then is to carry out in good faith the declaration of the party platform and to restore local option and the right of self-government as the wisest and best solution of this problem, which has so long baffled and perplexed our race.

"We favor temperance and sobriety as promotive of good citizenship and good government, but we deplore legislative attempts to enforce prohibition of the manufacture, sale and other disposition of intoxicating liquors against the expressed wishes of the communities affected." This is the language of the platform to which we are committed in honor and good faith.

But, if in the interest of law and order and real temperance, the sale of liquor is to be permitted in the larger cities of the State what method will you adopt? Is it necessary to submit the question to a popular vote? Local option does not necessarily mean a referendum to the people. It means the ascertainment and carrying out of their wishes and sentiments in some proper and lawful manner. If the local representatives of the communities to be affected are in doubt as to the wishes of a majority of their citizens, a referendum would be necessary in compliance with party pledges. But it cannot be claimed that such doubt exists in reference to the larger cities of the State. The members who represent those constituents were elected with a definite pledge that the present prohibition laws would not be maintained, but that they would proceed at once by direct legislative action to adopt some wiser and better system in the interest of law and order and real temperance, to control the sale of intoxicants.

In a few of the other counties, the local members were elected on a distinct pledge to establish dispensaries without a referendum to a popular vote.

Therefore, as to those counties and cities where public sentiment openly, clearly and unequivocally favors direct and positive legislative action, a referendum would be as unwise as it is unnecessary, and would not be required by the declaration of the party platform.

The people of Alabama demand rest from the agitation and turmoil which has cursed the State the past few years. You are the direct representatives of the people, charged with the responsibility of legislation, and neither regard for the public weal, the platform of the party, or public interest demands the agitation which would follow an election in a county where public sentiment has been fully, clearly and emphatically expressed on this question. An election called under those conditions would furnish the desired opportunity on the part of selfish and designing politicians and paid agitators, and would plunge some of the counties of the State into that bitterness, agitation and turmoil from which we have only recently, happily escaped.

The agitation of the liquor question in the past has divided parties, separated and estranged friends, worked serious harm to the church, and has cast its sinister and malign influence even over the family circle.

I therefore recommend:

(1) That those provisions of the Carmichael, Fuller and other laws enacted at the special session of the Legislature in 1909 which are arbitrary and which violate individual right and which tend to weaken or destroy constitutional guarantees, be repealed.

(2) That if in the judgment of the Legislature, these laws cannot be so amended as to overcome the objections already mentioned, that they be repealed in toto, and that the act approved on November 23, 1907, commonly known as the Ballard bill, be left in full force, or if repealed, be reinstated, adding thereto such provisions as would secure the more efficient enforcement of the prohibition laws,—prohibition to be the established policy of the State.

(3) That a general law be passed permitting the manufacture and sale of spirituous, vinous and malt liquors in all cities containing a population of thirteen thousand and over, under substantially the following regulations:

(a) One retail dealer to every 1,000 or 5,000 inhabitants as the Legislature may elect.

(b) One wholesale dealer to every 1,000 or 5,000 inhabitants as the Legislature may elect.

(c) An Excise Commission of three members for each county where sale is permitted, to be appointed by the Governor and subject to removal for cause, and to have full control of the liquor traffic within their respective counties. The act to fix rigid qualifications for said commissioners and providing that they shall hold no other office, either elective or appointive, under the laws of Alabama. The act to contain provisions against any commissioner, either directly or indirectly, accepting any gift, donation or gratuity from any person or persons directly or indirectly interested in the liquor traffic. This commission to have entire jurisdiction of the granting, renewing and transferring of licenses.

(d) That no license be granted until after a full hearing, nor before notice of application for license is duly advertised in a newspaper of general circulation published in the town where such license is applied for for a designated number of days and to provide that any qualified elector shall have the right to file written objections to the granting of said license, which objections shall be considered before a license is granted.

(e) No license to be granted to any person convicted of any crime which would disqualify the applicant as an elector under the laws of Alabama, nor to any person who has been twice convicted of the violation of any of the excise laws of Alabama or any other State, nor to any person who cannot establish his financial and moral responsibility to the satisfaction of the commission.

(f) A simple and definite form of procedure to revoke a license for violations of the rules and regulations of the commission or of the laws of Alabama, with a pro-

vision that the license shall be revoked on the final conviction for any crime involving moral turpitude.

(g) A provision making it the duty of the commission to suspend the license of any person for 30 days and closing his place of business during that time for any willful infractions of the rules and regulations of the commission or upon being convicted the first time for violating any provision of the act; and to revoke a license when the licensee is convicted a second time of violating the provisions of the liquor laws.

(h) A provision that upon a second conviction for the violation of the liquor laws of this State, it shall be the duty of the judge before whom the licensee is tried, to forthwith give notice of said conviction to the excise commission, and thereupon the commission shall at once revoke and cancel said license and all monies paid therefor shall be forfeited. That it shall be the duty of the commission upon the cancellation of a license to take proper steps to close the place of business of the party whose license is so forfeited.

(i) No license to be issued to any person who has been twice convicted of a violation of the liquor laws of Alabama or any other State after this act shall take effect, nor to any one who is not a citizen of the United States and State of Alabama and a qualified elector of said State, county and city in which he desires the license, nor to any person who is not of good moral character.

(j) Oath to be taken before license is granted that applicant is the bona fide owner of the business and also that no person unsuitable to hold a license is in any way interested in the business; that he will not knowingly sell or give away liquors to any minor, or person of unsound mind, or to any person of known intemperate habits; that he will not keep open on Sundays, nor on prohibited days, nor between prohibited hours; nor allow any gaming of any kind on or about the premises.

(k) That no person ineligible to obtain a license shall be employed as bartender or manager in any licensed place in this State, nor be allowed to have any financial interest in said business.

(l) Before a license is granted the applicant to give a bond in the sum of not less than double the amount of the license with two or more sufficient sureties, or in some solvent bonding company. The individual sureties upon said bond shall not hold any elective or appointive office. Said bond to provide that where liquor is sold to any minor, the parent or guardian of said minor, can recover by suit a stipulated amount; and that where sale is made to a person of known intemperate habits, the wife, or if no wife, the parents or next of kin, shall be authorized to recover a stipulated amount; and that where sales are made on Sunday or on prohibited days or between prohibited hours, the commission shall have the right to recover a stipulated amount, the same to be disposed of as provided by law.

(m) A person once licensed to be granted a renewal so long as he furnishes the required bond and has not been guilty of any willful violations of the law, so long as the sale of liquors is authorized.

(n) The act to provide that no person engaged in the manufacture and sale of spirituous, malt or vinous liquors shall be allowed to establish a saloon in some other person's name or to furnish money for that purpose; that any agreement, lease or mortgage hereafter made for such purpose or to secure money loaned for such purpose, should be deemed absolutely null and void. Nor should any agreement be lawful which obligates any person to buy or sell only the product or output of beer, or other malt or spirituous liquors of any particular person or corporation in or at any licensed place of business.

(o) Commission to have power upon the petition of any citizen to have hearing to suspend any license for violation of the liquor laws.

4. That only the following liquors be allowed to be sold: Pure *wine* made from the pure juice of the grape, with the ordinary cellar treatment for aging, and containing not to exceed 200 milligrams per liter (or 2.90 grains to a quart) of sulphurous acid (sulphur dioxide, fumes

of burning sulphur), which is derived solely from burning sulphur in the barrel before the wine is added.

BEEER made from barley malt and hops or barley malt in quantities not less than 25 per cent. and unmalted cereals, i. e., barley, Indian corn, rice, either decordicated and degerminated or not, and containing not to exceed 4 per cent. of alcohol by volume, and free from any artificial color or preservative.

CIDER made from the expressed juice of edible apples, either sweet or fermented.

Distilled liquors as follows:

WHISKY made from barley, rye or Indian corn by the ordinary processes of distillation and containing all the volatile substances which are carried over at the ordinary temperatures of distillation, i. e., not less than 200 parts of the natural volatile substances (or produced during storage) other than alcohol to 100,000 parts of proof spirits (50 per cent. by volume of alcohol). The whisky must be stored in wood at the ordinary temperature of the warehouse for not less than four years and must be free from any added substances or artificial coloring.

RUM, a distillate from fermented molasses, containing not less than 175 parts of volatile substances, other than alcohol naturally produced in the fermented molasses (or produced during storage) to 100,000 parts of proof spirits. Rum should be stored not less than four years in wood at the ordinary temperatures of the warehouse.

BRANDY, a spirit distilled from pure wine at the ordinary temperatures of distillation, containing not less than 150 parts per 100,000 of the volatile substances contained in the wine, other than alcohol (or produced during storage). Or brandy distilled from apples, peaches, or other fruits. Brandy must be stored in wood not less than four years at the ordinary temperatures of the warehouse.

The above spirits can be bottled in bond under the supervision of a Government Inspector and thus purity assured, or they can be bought from the distillery warehouse with the double stamp of the Government and

without passing through the hands of a rectifier, and thus purity assured.

5. The bill should contain an absolute prohibition of the sale of the following named alcoholic beverages:

Wine produced wholly or in part from sugar or wholly or in part by the treatment of the pomace residual in the manufacture of pure wine, or fortified in any way by the addition of alcohol, or the fermentation of any added sugar or other fermentable substances thereto, or to which any artificial color or sweetening agent or chemical has been added in any way save the small amount of sulphurous acid (burning sulphur phumes), mentioned above, and this to be tolerated solely when used for purifying the casks.

To prohibit absolutely the sale of all wines of any description which bear any false or misleading statement concerning the origin or character or labeling in a manner whereby the purchaser may be deceived.

To prohibit absolutely the sale of beer made in whole or in part of added sugar, glucose, molasses or other materials save those which are mentioned as permissible in the manufacture of pure beer; or beers which contain over 4 per cent. of alcohol, or which have been fortified in any way by the addition of alcohol or by the addition of sugar, or any coloring matter or any preservative, or otherwise, save as above mentioned.

6. To prohibit the sale of distilled spirits, under whatsoever name they may be offered, which are compounded wholly or in part of alcohol, either with or without added coloring or flavoring matter, or which are produced in any other way than by the legitimate methods of distillation and aging as provided for in the description given above.

7. To provide that a person holding a license authorizing the sale of liquor in quantities of less than one quart, must sell the same in a room wholly separate and disconnected from any other business, or place of business, with no devices for amusement of any character to be permitted in such room.

8. Act to contain suitable provisions as to the location of the place in which such liquors are to be sold, the arrangement of the room and the exclusion of all persons therefrom on days and hours when the sale of liquor is prohibited by law, with suitable penalties for its violation.

Rooms in which liquors are sold in quantities of less than one quart to be on the ground floor of the building and fronting the highway, and shall have windows or glass doors so arranged that the whole of the room may be in full view of the street or highway with no blinds or screens to obstruct the view of the interior.

(a) Have the Act provide the amount of license fee.

(b) Prohibit the service in the same room of liquors to whites and negroes.

(c) Fixing the hours of opening and closing places where liquors are sold.

10. To provide for proper inspection and analysis of all liquors by chemists and trained experts, with provisions for condemnation and destruction of impure and adulterated liquor.

11. Prohibit the serving of liquors at any bar—to be served only at tables—all liquors to be kept in a room or place separated from the room or place where the same is served, and not to be visible therefrom, and access to said room where such liquors are stored or kept to be denied to all persons except the proprietor or his employees or servants.

The thoughtful and conservative element of our people are in my judgment, opposed to the re-establishment of the saloon as it was formerly constituted. The open bar with its costly mirrors, its attractive display of liquors, its suggestive pictures, its lively music, its throng of patrons, the loafers and hangers-on like leeches ready to attach themselves to every customer bibulously inclined, all tend rather to increase than diminish the evils of the liquor traffic. It encourages a system of treating, which is confessedly one of the most inexcusable customs prevailing in this country.

Laws against loafing and loitering have not in the past, and will not in the future, in my judgment, be enforced where the open saloon exists.

In the older civilized countries of the world, in Continental Europe and Great Britain, where liquor agitation is almost unknown, and where the problem has been solved after years of struggle and experience, the bar-room as it exists in this country is practically unknown. Liquors are served like food at tables in cafes and public houses, where perfect order and decorum prevails.

We should avoid the mistakes of the past, and if liquor is to be sold its sale should be restricted by wise and proper regulations which will tend to lessen rather than increase its consumption. The usual attractive display of liquors, the costly fixtures and other surroundings of the modern bar should be eliminated. The promotion of temperance and not the gaining of revenue should be the controlling idea in all our regulations on this subject.

If the sale of liquor is to be authorized in any part of the State, we are now in a position, by avoiding the mistakes of the past and adopting all those safeguards which experience can suggest, to make our legislation on this question the best and most advanced of any State in the Union, and thereby protect the public health and minimize the evils of the liquor traffic as far as it can be done by law.

DISPENSARIES.

Some counties in the State desire to restore the dispensary. The experience of South Carolina shows that the downfall of that institution in that State was largely due to dishonesty and graft upon the part of managing officials. Moreover the dispensary in our larger towns and cities does not seem to overcome or prevent illicit sale of liquor. Those who manage the dispensaries are only salaried officials, and hence have no such incentive to report or secure prosecutions for illicit sales as licensed dealers would have.

If the dispensary is to be restored it should be under the control of an Excise Board appointed by the Governor, with powers similar to those vested in the Excise

Boards where liquor is sold under license. Great care should be taken to prevent the sale of impure and adulterated liquors. This is even more essential than in the case of retail dealers, for a dispensary having a monopoly of the liquor traffic in the county in which it is located, the forces of competition have no play.

The books and accounts of each dispensary should be subject to examination and inspection by the State Examiners of Accounts.

It should also not be overlooked, that the sole reason as declared by our courts, which authorize the State or county to engage in the sale of liquor and thereby create a monopoly, is for the purpose of lessening the consumption of intoxicants and promoting temperance among the people. To operate a dispensary solely for revenue would be contrary to the fundamental theory upon which such exercise of power by the county or municipality would be warranted.

To provide every safeguard possible against graft and all forms of dishonesty in the management of the dispensary, is absolutely essential, if we heed the warning lessons of experience.

A general law on the subject should be passed, providing that every dispensary authorized in the State should be subject to its provisions. This would prevent the rivalry that might exist between the different counties and cities to secure greater and more liberal powers than those enjoyed by the other and to the public detriment.

In my judgment no dispensary should be allowed in any town of less than twenty-five hundred inhabitants, nor should any dispensary be established by direct action of the Legislature except as to those counties where the local members were elected upon the distinct pledge and promise to establish them by a local bill.

PURITY OF LIQUORS.

I have made very careful efforts by conferences with some of the most eminent chemists in the country to obtain all possible information in reference to the

proper regulations as to the purity of liquor that should be authorized to be sold. They all concur with me in the opinion that the principal evils of modern intemperance have come from drinking cheap, debased and adulterated articles of alcoholic beverages.

One of the most eminent chemists in the country, whose fame is international, writes as follows:

"A pure wine made solely from the grape, a pure beer made solely from barley malt and hops, and a distilled liquor, whether rum, whiskey or brandy, made from pure materials and properly aged for four years, are not apt to produce the evils of intemperance which so commonly attend the use of alcoholic beverages mixed with flavors and artificial colors."

It is true that under the rulings of the United States Government, any mixture of spirits distilled from grain, colored and flavored, is recognized as whisky. In the language of this same chemist:

"These are the cheap, and what I consider adulterated products which produces such habits, North or South, largely on account of their intoxicating principles and their cheapness combined."

All of the chemists and authorities whom I have consulted, agree that all beverages compounded in whole or in part from alcohol, should be prohibited. It is these mixed and compounded beverages, such as absinthe and bodies of similar class, which, they declare, produce the greatest habit of intoxication among the people.

If the sale of liquor is to be legalized, it is our duty to safeguard the morals and health of the people by preventing the indiscriminate trade in debased, cheapened, and adulterated products which have been the cause of so much misery in this and other lands.

I believe that if we enact a law in line with the suggestions I have made permitting only the sale of that class of liquors which are endorsed by the leading chemists and health experts of the country, we will be able to give to the people of a community where liquor is sold, to those who desire its use, a pure and, when taken in moderation, wholesome product of a character which

will not induce drunkenness nor any of the great evils toward which alcohol tends, and at a price which will permit only moderate drinking, even by those in moderate circumstances.

The State of Kentucky has already taken steps of this character, as shown by the regulations made by the Kentucky Agricultural Experiment Station, to protect itself against the very evils which we should endeavor to prevent in this State. If Alabama will lead off in this direction other States will follow and gradually the evils of unrestricted commerce in beverages made principally from alcohol will be checked.

I would also urge that in addition to the above we prohibit absolutely the sale of absinthe and other alcoholic beverages of the cordial type, save those which are mixtures of pure brandy, pure whisky or rum, with sugar and harmless vegetable flavoring and color, and sold under distinctive names, such as "cocktails," "cordials," etc.

The country is flooded, so I am informed, with so-called "blackberry wine" or "blackberry cordials," which are made almost exclusively of alcohol, with just enough of the blackberry flavor, artificial or otherwise, to give it some semblance of the real blackberry wine, and all such beverages as these ought to be rigidly excluded from sale.

THE SALOON IN POLITICS.

One of the chief factors which operated to arouse the intense opposition to the saloon as formerly conducted, was the activity and pernicious influence of the representatives of the liquor interest in politics.

It is an axiomatic principle of law that the right to conduct a saloon is a privilege conferred by law, and not a natural right which the individual enjoys. And it ought, therefore to be accepted without question, that the saloons and liquor interests must obey the laws of the State, whatever those laws may be. The active participation of the representatives of the liquor interests in political affairs for the purpose of domination and con-

trol, is one of the evils connected with the traffic, against which we should carefully guard. And in order to accomplish that purpose the liquor dealer, the brewer and the distiller, should be strictly confined to the business which the law permits them to conduct.

It has been wisely said: "when the brewer, or distiller or the wholesaler of intoxicating liquors is permitted, directly or indirectly, to own, operate or control dram-shops, then there exists a necessary combination of power that results in the injury of the business itself and inevitably tends to pernicious and dangerous political activity and influence." The brewery and the saloon must be separate. No one has any disposition to prevent those engaged in the liquor traffic from the exercise of proper political influence, but that influence should not extend to the extent of any effort to dominate or control public officials or legislators in their interest.

The removal of the liquor interest from politics can be largely accomplished by the creation of excise boards, appointed by the Governor and subject to removal, and vested with full and plenary power in the management and regulation of the liquor traffic. This excise board should have the power to fix the city license and thus remove the temptation of any interference by the dealers in liquor with city politics.

The amount of the State license in Alabama has heretofore been utterly inadequate. It should be fixed at such a sum as will restrict the traffic, but which at the same time is not so high as to encourage the sale of cheap and adulterated liquors.

LICENSE.

The primary purpose of a license should not be to raise revenue for the support of the government, but to control and regulate and limit the liquor traffic.

STATEWIDE PROHIBITION.

A very decided majority of the counties of this State oppose the sale within their borders of liquor in any

form. Their wishes on this subject should be and will be respected. In such counties public sentiment sustains the prohibition policy, and hence the laws against the liquor traffic can be enforced.

I have suggested the passage of a general law excepting the larger cities of the State from the operation of our prohibition laws, because it is conceded that such action would be in accordance with the wishes of a decided majority of their people, and because the representatives from those counties are pledged to such a policy.

No local bill providing for the sale of liquor in any form in any county should be permitted without a referendum to the people, where there is any doubt or question as to the wishes and sentiment of the citizens of the communities to be affected.

I would urge that all local bills contain provisions similar to the bill adopted for the larger cities. The same restrictions should apply to all alike. There should be no discrimination in favor of any county or city or any unseemly contest for favorable legislation on this subject.

LOCAL OPTION LAW.

In the past few years the voters of Alabama have had three distinct opportunities to deliver their utterances on the subject of the control of the sale of liquor in our State. The proposition to amend our State Constitution placed the liquor question before the voters of Alabama in its most acute form. The verdict that followed could not be misunderstood. It was emphatic against statewide prohibition and equally emphatic in favor of local option. Therefore, there should be no question that we are committed not only by the direct commands of our party, by honor and by good faith, and by the expressed verdict of the people, to pass a general local option bill.

If you, in obedience to the wishes of the people, legalize the sale of liquor in certain of the largest counties of the State, you should not deny the people of those

counties the opportunity in the future to prohibit its sale; nor should you refuse the people of any county in the State the right by majority vote to determine what their policy shall be on this question.

I would suggest that no local option election be held before the next general election, and then only upon a petition signed by one-fourth of the qualified voters of the county or the unit that you may establish.

In the event that those residing in the unit that you may establish should desire an election to determine the will of their people on this subject prior to the general election of 1912, I would suggest that it be allowed only on condition that forty per cent. of the qualified voters in such unit demand such an election by proper petition.

If an election is authorized by any local option bill you may enact, it should be held as speedily as possible. There is no necessity for the long delays which former laws have provided should exist between the filing of the petition and the date of the election. The longer such elections are postponed the more bitterness and agitation is engendered. Most of our people already have decided convictions on this subject and a long campaign can furnish no advantage to the public, but only an opportunity for paid agitators and demagogues to inflame public passion and advance their personal or political fortunes.

A proper local option law should provide that the people should have the right to express their choice as to the different methods by which liquor could be legally sold, whether by dispensaries or licensed establishments selling less than one quart, or by wholesale establishments.

DOMESTIC WINES.

I think that all laws prohibiting the manufacture of domestic wines for domestic use, are opposed to the expressed sentiment of our people, are not in the interest of temperance, and should be repealed.

SOFT DRINKS.

I very strongly urge prohibitive legislation against all so-called "soft drinks" which contain cocaine, caffeine, acetanilid, phenactin, or other added injurious chemicals or habit-forming drugs. At the present time, many parents who refuse to let their children drink coffee or tea in the home, because of the caffeine they contain, will suffer them to be doped with caffeine at the soda fountain, without the knowledge that these drinks contain this injurious substance.

In the language of an eminent chemist: "The country is full of caffeine drunkards, who are wholly ignorant of the nature of the disease from which they suffer, or its cause."

The sale and use of coco cola is becoming very extensive in the State. The information I have from the most eminent authorities is, that it is a so-called beverage of which caffeine, an injurious alkaloid, is the principal active ingredient. Men who are addicted to the habit of using this beverage become as dependent upon its continued use and demand it as regularly as an habitual tippler does his cocktail or toddy.

Legislation of the kind I have suggested will, in my opinion, be as potent in preserving the public health as those which have been suggested with regard to fermented and distilled liquors.

MUNICIPAL GOVERNMENT.

Mr. Bryce in his American Commonwealth says: "There is no denying that the government of cities is the one conspicuous failure of the United States." Whether we endorse this sweeping denunciation or not, we can not but admit that there is widespread dissatisfaction with the present system of municipal government which prevails in the different States of the Union. The efforts made by the legislatures of nearly all the States to adopt some wiser and better system of city government, shows conclusively that there is a general feeling of unrest and an insistent demand for a

reform which will overcome the admitted evils of our present methods of municipal government. This is manifested by the many and various plans which have been suggested to improve our present system of municipal government. Many States have adopted elaborate systems for what is commonly known as the Commission plan of government. These plans vary from the Des Moines system with its close Commission of five members, to the Newport plan with its House of Representatives of 125 members, and to the Staunton, Va., plan, of one general manager. But the general tendency of all legislation on this subject is towards the selection of a smaller number of officers, increasing their powers and responsibilities, and securing their entire time to the service of the city. It has been claimed that the ideal system would be found in adopting for our cities the same methods of government that prevail in private corporations. Yet we must not overlook the fact, that private corporations are organized solely for pecuniary profit and that a majority of shares, and not of stockholders, controls its management. While a private corporation is under the control of those who own a majority of its shares, there can be no conflict of interest. But it has been truly said that where those who are in control have no interest identical with that of the corporation, abuses as flagrant as those found in our worst governed cities may exist. The only lesson we can learn from private corporations is that concentration of authority and responsibility, when under proper supervision, will accomplish the best results. Corporations can only teach us the importance of good business methods; they can not show us how we can overcome human selfishness or greed. Every city government is in one sense a corporation. There is no question of the fact that great improvement could be secured by adopting the methods, system, concentration of authority and responsibility which have proven so successful in the management of our great corporations. That there is both an imperative necessity and demand for some improvement in our present system of municipal government no one can truthfully deny; but we must not for-

get that we can expect but little benefit from any reform that we may adopt in the absence of an aroused public conscience and zeal for better civic conditions. The forces of reform are too often short-lived, while the evil influences they may overcome generally arise from defeat with renewed vigor.

MUNICIPAL CODE.

The provision of our constitution prohibiting the passage of a local law amending the charter of any municipal corporation made it necessary to enact a general Municipal Code. That this Code has failed to meet the expectations of the public, or to secure that improvement in the management of our city governments which we had a right to expect, is unquestionably true. Its lack of simplicity, its obscure and contradictory provisions, its illogical arrangement, its burdensome and redundant details, its system of wards and increased number of councilmen and aldermen, its division of responsibility, its withdrawal of executive power from the mayor, its creation of numerous boards, its failure to provide adequate compensation for those who are expected to devote their time to the city's service, make it more objectionable than the system it superseded.

DEFECTS OF PRESENT MUNICIPAL CODE—WARD SYSTEM.

One of the chief evils of the present municipal code is the ward system, and the election by only a portion of the city of those who are to be entrusted with the management of its affairs. The old theory was that the councilman represented the particular interests of his ward, and that hence those living outside of the ward had no interest in his election. Yet the councilman selected by the ward makes laws for the whole city—for his own as well as other wards. Those living outside his ward may be very seriously affected in their property and personal rights by his actions and yet they are denied any voice in his selection. The whole theory on which the ward system is founded is without

any support in logic or argument. There are no local interests which can not and will not receive the fostering care and protection of the officials elected by the votes of the entire municipality. There should be no rivalry of interests between different portions of the city, or legislative effort to receive more liberal appropriations or laws for one section than another. Yet, experience shows that the alderman elected by the ward deems it his first duty to get the most he can for his own ward, with the necessary result that trade and barter in contracts and improvements with other ward representatives brings reproach upon the whole system. One of the most valuable features of the Commission form of government is, that it decreases the number of officials, centralizes authority and responsibility, and requires an election from the city at large. Every citizen should have a voice in the selection of his rulers, and the selection should not be circumscribed by the narrow boundaries of a ward, but should extend to the entire municipality. Under the present municipal code there are too many officials to be elected, and hence our municipal elective system is weakened by diffusion; or as it has been truly said, when a multiplicity of officers are elected at the same time, "few, if any, are chosen by the people."

Another defect in our present municipal code, according to the views of leading students of the subject, and which our own experience confirms, is the tendency to weaken executive power by its diffusion among many boards and departments. This has been the vice of nearly all municipal charters. It has been truly said that "the aim deliberately was to make a city government where no officer by himself should have power enough to do much harm. The only natural result of this was to create a situation where no officer had power to do much good." The growth in popular favor of the Commission form of Government is a recognition of the fact that every large city in a sense is a corporation, and a demand that its chief executive agents be clothed with ampler executive powers. Our great and successful business corporations vest in their presi-

dents full power to appoint and remove all subordinate executive agents, and this concentration of power and responsibility has generally resulted in efficient and successful management.

Years ago a Commission composed of distinguished publicists, appointed by the State of New York to investigate the whole question of municipal government, reached the conclusion that the most effective remedy to secure efficient municipal government was "an extension of the general control and appointing power of the mayor, the mayor being himself subject to removal for cause by the Governor of the State." Another remedy which they proposed was a restriction of the powers of the State Legislature to interfere by special legislation with municipal government. This restriction has already been accomplished in Alabama by the provisions of our present constitution. Experience has shown that those cities are best governed where the largest measure of local self-government exists which may be compatible with the general interests of the State.

COMMISSION GOVERNMENT.

That this form of municipal government has grown rapidly in popular favor in the past few years we all admit.

Is the popularity of this system due to the waste, lack of responsibility and inefficiency which has generally characterized the old aldermanic system?

Is it due to dissatisfaction with the old system and the prevalent belief that any change, however radical, could not make conditions worse and might make them better?

On the other hand, is this sentiment in favor of Commission Government produced by a deliberate public conviction that it does solve the problems of municipal government, overcome its admitted evils, and that its superiority has been abundantly established where it has been tried?

Whatever your answer may be to those questions, we must not overlook the fact that commission government though claimed to be eminently successful wherever tried, is still an innovation and an experiment in American municipal affairs, and must necessarily be considerably modified and changed by the practical tests of administration in cities of varying sizes, conditions and population. Time and experience alone can determine whether it will secure that efficiency and economy in municipal government which its earnest advocates now so insistently claim. A form of government that may work well in one community may be wholly impracticable in another. In any form of commission government you may see proper to adopt, you may safely embody the sound fundamental principles which underlie that system. Its decrease of the size of governing bodies; its adoption of vigorous and honest business methods; its increase of the power and responsibility of the chief executive officers of the city, and its concentration of authority and responsibility; its requirements that those charged with city government should dedicate to their work all their time and talent, with provisions for adequate compensation—all so modified as to be adapted to the interest and conditions of our municipalities. We should not reject those features of our present municipal laws which have stood the test of experience by substituting in their stead a wholly new invention. But I am convinced the best practical results can be achieved by amending and modifying our present system to meet the undoubted evils which exist, by adopting such provisions of the commission method, as are sound in theory and in principle.

THE RECALL.

I am not prepared to give my approval to that provision generally found in laws establishing a commission form of government known as the "recall."

All classes of public officials can now be removed from office for the following offenses:

“Willful neglect of duty, corruption in office, incompetency or intemperance in the use of intoxicating liquors or narcotics to such an extent in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duty; or for any offense involving moral turpitude, or committed under color of office or in connection therewith.”

The method by which such removal under our law can be secured is by impeachment proceedings before the senate or supreme court sitting as a court of impeachment, or by impeachment proceedings in any circuit or other court of like jurisdiction, or criminal court of any county in which such officer holds his office.

The recall would substitute for the regular and orderly course of judicial procedure by impeachment proceedings, with its well defined charges, a trial before the people founded upon an indictment which need not allege any specific facts, nor show the commission of any offense, but which may be the outgrowth of injustice, passion, prejudice or private vengeance. Although the officer may not be guilty of a single offense which would justify his impeachment, he could under the system of the recall, be removed from office at the arbitrary caprice of a majority vote and branded with the disgrace of being unworthy of public confidence. An officer may incur popular denunciation and disapproval and yet have acted with fidelity and with a conscientious desire to efficiently discharge his public duties. The recall would destroy that independence of character, that firmness of conviction and that loyalty to principle so essential to efficient public service. It would convert the official into a spineless and servile hireling, stirred by every passing breeze of public opinion, obeying every popular impulse and yielding to every wave of popular passion or prejudice. In all free governments the cool, deliberate and mature judgment of the people should and will in the end prevail. But there are periods in public affairs, when misled by false and pernicious theories, lured from the paths of justice and rectitude by the misrepresentations or delusions of ignorant and mis-

guided men, "the people may call for measures which they themselves will afterwards be the most ready to lament and condemn." In such critical moments how invaluable is the service of the public official, who, disdaining the temptations of popular applause, to be gained only at the sacrifice of honest conviction, deliberately invokes public disapproval by bravely following the path laid out by duty, checks the misguided career of public opinion and "suspends the blow aimed by the people against themselves, until reason, justice and truth can regain their authority over the public mind."

Our history is full of illustrations of men who by courageously following the dictates of a high sense of public duty temporarily incurred a storm of public disapproval, and yet whose course was subsequently vindicated by the logic of facts and endorsed by the popular verdict.

No public official should be subjected to the disgrace and ignominy of removal from office to which he has been elected by the people unless he has been guilty of one of the offenses which would justify his conviction on impeachment. I am convinced that the system of recall embodied in any of our statutes, in view of the provision of our constitution on the subject of impeachment and the decisions of our courts, would be unconstitutional and void.

PUBLIC EXAMINATION.

Another defect in our present plan of municipal government is that there is no method by which the taxpayer can be kept informed of what he gets for what he pays, or how the public money is disbursed. In my judgment this should be corrected by state inspection of local administration. A uniform system of book-keeping should be established and the state examiners should have authority to investigate the books and accounts of every municipality of over 5,000 population and make full and careful reports as to any mismanagement or waste of the public money.

Under the system that now prevails the officials who may be guilty, employ the accountant to examine and audit the city's accounts. The accountant so employed is responsible to his employers, and hence it is utterly vain to expect by such methods any accurate or reliable reports, except in occasional instances.

Publicity is the best known method of enforcing honesty and economy in all public expenditures—a check against graft and waste of the people's money.

Bad as has been our present system of municipal government, we must admit there has been nevertheless steady progress and improvement. Looking back over the past decade, even the most pessimistic will concede, that our cities are reasonably well governed; that public conscience is more alert, that life and property are more secure, and that conditions are steadily improving. While much may be done by legislative remedies, it is in an aroused public conscience, the growth of a stronger sense of civic duty, a more diligent and watchful interest by the people over their own affairs, that we must rest our ultimate hope of permanent municipal reform.

PUBLIC ROADS.

It is universally conceded by all who have given any study to the subject that a system of good roads lies at the very root and basis of a country's progress and that upon them largely depends its material development and advance in civilization. They have been compared to the veins and arteries, the means by which the circulation of the social body is carried on, and when they are clogged the march of progress is retarded. Without them there can be no proper development of the energies, resources and enterprise of a people. In inventive skill, in scientific discovery, and in industrial progress our republic has led all nations, yet we must admit that our rural roads and highways are probably the poorest of any country that has attained the same standard of civilization.

That the railroads have been the most potent agencies in the rapid advance of modern civilization all concede. They furnish additional markets for our products, stimulate industrial enterprises, create new centers of trade, increase population, invade the desert, penetrate mountains, and overcome the obstacles which nature has placed across the pathway of the people's progress. Overcoming distance, they dissipate that provincialism arising from differences in custom, soils and climate, and bind the republic together with the lasting bonds of unity of purpose and interest. Yet this very development itself demands and requires more and better highways and public roads. The railroad makes necessary good roads for the rapid and easy distribution of the freights they deliver and receive, and hence the assumption that railroads are substitutes for an improved system of public highways is absolutely unfounded.

First and last, 90 per cent. of the vast internal commerce of this country must be moved over the dirt roads which are feeders for the railroads. The interest manifested in the cause of good roads by the great carrier systems of the country, show that they realize that their prosperity is intimately associated with, and to a great extent dependent upon the construction and maintenance of suitable highways for the moving of the internal commerce of the nation.

THE PRESENT SYSTEM.

While the system of road building and road improvement which has prevailed in this State since its admission to the union might have been adapted to conditions which existed when our population was sparse and our resources undeveloped, no one can deny it has utterly failed to furnish such roads as the growth of our population, the increase of our production and the industrial prosperity of our State now imperatively demands. In the early days, when the State was covered with a vast primeval forest, when population was meagre and our income was limited, no other system might

have been practicable. Yet, after a trial for nearly a century, we know that all the labor done and money expended during that entire period under the system which now prevails has utterly failed to secure for the State a system of adequate and improved highways. Road making by the aid of improved machinery, as the result of long experience and careful study, has now become an important branch of government, requiring both engineering skill and scientific knowledge. Yet the system which exists today generally in Alabama, by which we entrust the construction, maintenance and repair of our public roads to men without any special aptitude or training, and who are frequently ignorant of the first principles upon which successful road building depends, must necessarily result in dismal and humiliating failure. Only in those counties where improved roads and highways have been built by contract, or by the issue of bonds, or by a system of general taxation, and under the control of skilled engineers, do we find today a system of improved highways and roads.

WHO SHALL BEAR THE COST?

The question of who shall bear the cost of the building of our public roads is one as to which there is a large divergence of opinion. In New-York and the New England States almost the entire cost is borne by the State; but the prevailing system which has existed in this country and this State has been that the counties and local communities should only exercise jurisdiction and bear the whole burden of the cost.

RURAL COMMUNITIES BEAR THE COST.

Since the formation of our State government the people residing in our rural districts and owning our agricultural lands have borne the entire burden and have built substantially all the roads in the State. The people in the cities and larger towns have been exempted, on the theory that their revenues should be devoted exclusively to the construction of streets and sidewalks

in their respective municipalities. The result has been that the burden has rested too heavily on the rural communities, and being unable to bear the entire cost of road building the necessary consequence has been that our roads are wholly insufficient to meet the wants of a progressive and advancing civilization. The injustice of the whole system is found in the requirement that those residing in the rural communities should build and maintain roads for all the people. Such a requirement cannot be maintained in the forum of justice, or by the plain dictates of fair dealing.

GOOD ROADS' AMENDMENT.

From the adoption of the Constitution of 1875 until the amendment recently adopted to section 93 of the constitution, the State of Alabama was forbidden to engage in any work of internal improvement. A bankrupt treasury, prostrate credit, and an immense public debt, the result of the waste, extravagance and misgovernment which characterized the era of reconstruction, induced the constitutional convention of 1875 to incorporate in our constitution a provision which by express terms prohibited the State from engaging in any work of internal improvement; and hence, until the adoption of the recent amendment, the State was absolutely prohibited by the organic law from building one mile of pike road or making one cent of appropriation for the construction of our public roads and highways. Even now, under the operation of the amendment, we only have power to use the net proceeds arising from the hire of convicts and other available funds in the treasury for the construction and improvement of the public roads. The adoption then of this amendment was a clear, plain and manifest declaration by the people of Alabama that the policy which had heretofore prevailed of placing all the burden of cost of constructing our highways upon the rural communities of the different counties in the State must be changed and that the State must, in justice, bear its just proportion of the cost.

The injustice of the former policy, by which all the burden of road making was placed upon the farmers and those residing in the rural communities is made manifest when we consider the concentration of population and wealth in the great cities of the country. It was stated a few years ago by an eminent authority, that in all of the cities east of the Mississippi and north of the Ohio, a majority of the people are living in the cities, and much more than half of the wealth was centered there. The proportion of the wealth and population in the cities of this State to our rural communities is constantly increasing, and the time is not far distant when one-half or more of our population and taxable values will be found in the cities and larger towns of Alabama. Hence it is manifest that if the policy which has heretofore prevailed of resting the burden of the cost of constructing and improving our highways upon our agricultural class should continue in this State, one-half, and in the future probably three-fourths of the wealth and population of the State would escape the burden.

The burden of our system of road making has been too heavy for our rural population to bear, with the necessary result that our highways have not kept pace with our industrial development, increasing traffic and population.

The Legislature now has power to devote the net proceeds of the hire of convicts, as well as other available funds in the State treasury, towards the improvement and construction of our public roads, but what proportion of the cost should be borne by the State and counties and precincts, is one which will require your careful consideration and earnest thought, if State aid for our public roads is undertaken. We must not overlook the fact that the limit of State taxation is fixed by the constitution and that 30 cents on each \$100 of taxable property must be devoted to public education. It is evident that the remainder must first be appropriated to the payment of the interest on the public debt and the support of the State government, including appropriations which in justice and in honor we owe to the Confederate veterans.

PROPER METHODS.

The first essential conclusion to be drawn from our own, as well as the experience of other States, is that only by county and State aid combined, and by a system which places the burden of road making not upon a part of the population, but upon all the people, the wealth and property of the State and county, can we expect to secure a system of good roads; in other words, a system of taxation upon all the wealth and population of the county and State must be adopted. In addition to the maximum limitation of one-half of one percentum of the taxable property in each county, each county can levy a special tax for roads not to exceed one-fourth of one percentum.

STATE HIGHWAY COMMISSION.

In my judgment the first step which should be taken in our movement to secure adequate highways in Alabama is the establishment of a State Highway Commission. I therefore recommend the immediate establishment of such a Commission, to be presided over by a civil engineer who is an expert in road building and who should be invested with full authority to supervise the construction of all the roads in Alabama. There should be no requirement that he should be a citizen of Alabama, and the salary provided should be sufficient to secure one of the most competent men in the country. The creation of such a Commission, and of a Goods Roads Department, will not entail very great cost, and will secure a scientific and uniform system of road making in Alabama. It will place at the disposal of every county of the State not only the knowledge of a skilled expert, but the results of the experience and knowledge of every State in the union and of foreign lands. Such a Department will gather for use all the scientific information which can be obtained as to the best methods, the most suitable material in each county for road building, and will be the first and most important step in a scientific effort to secure an adequate,

uniform and thorough system of public roads in the State.

We should inaugurate a system which would give every county in Alabama roads equal to the most progressive and advanced States of the union. Notwithstanding our climate and soil and our unequalled resources, we should not forget that unless we have the patriotism to secure an adequate system of public roads, Alabama will never reach the highest development or take her proper rank in the sisterhood of States. If you can secure a wiser and better system of public roads in Alabama, the development, the progress and the prosperity which will necessarily follow, will entitle you to the gratitude and thanks of generations yet unborn.

I recommend that the bill which you adopt shall provide a comprehensive system, by which uniformity will be secured and the plans for all road building furnished by the State Highway Commission.

I also recommend that it be made the duty of the Commission to furnish specifications and estimates for all public bridges in the State, with authority to engage in experimental road work. The information which can be gathered by such work will introduce to the different communities improved methods of road work and the value of new and heretofore untried methods.

The creation of this Commission should not be undertaken, unless you provide such a salary as will secure the services of a man who is thoroughly qualified by experience and education for this important work.

AUTOMOBILES.

The automobile has made its appearance in Alabama and is here to stay. Its manufacture has become one of the most important industries of the country and its use is being rapidly increased in all parts of the nation. It is no longer a crude and unreliable machine but has, by the aid of the inventive skill of our people, reached almost the acme of perfection. It is entitled to all highway rights, under proper and wise restrictions and

regulation to protect the public as well as the occupants. Their use is becoming so general in the State that it is necessary that they should be properly regulated, licensed and controlled. They go upon our highways, supplied with enormous power and capable of going at great speed. On account of their great weight and speed—being practically road locomotives—they impose a new and severe burden on our public roads, subjecting them to greater wear than any other vehicle. I believe that a substantial license tax should be imposed for the privilege of operating motor vehicles within the State, the proceeds to be devoted to the maintenance of a State Highway Commission and the repair and improvement of our public roads. There can be no valid objections to the payment by the owners of motor vehicles of a proper sum to the State for the improvement and repair of the roads they do so much to destroy. This license tax should be graded properly. In the State of New Jersey this tax, which was not onerous, brought to that commonwealth revenue for highway improvement during the past year of over \$240,000.

In Massachusetts fees are as follows:

For every motor bicycle, \$2.00.

For every commercial-motor vehicle used solely as such, regardless of horse-power, \$5.00.

For every automobile of less than 20-H. P., \$5.00.

For every automobile of 20-H. P. and less than 30-H. P., \$10.00.

For every automobile of 30-H. P. and less than 40-H. P., \$15.00.

For every automobile of 40-H. P. and less than 50-H. P., \$20.00.

For every automobile of 50-H. P. and above, \$25.00.

The highway commission of that State determines the power of the machine.

In Vermont the fee charged is \$1.00 a horse-power for a new machine, and for a machine which has been

licensed for a year 75 cents, and for an old machine 50 cents a horse-power. These fees are in lieu of all other taxes.

But the matter of first importance for your consideration is the provision of adequate safeguards to protect the lives of our citizens. The operation of motor vehicles should be prohibited save by those who, upon proper examination and after suitable tests, for which a fee is charged, are found to be duly qualified and are licensed accordingly. These licenses should be subject to suspension or revocation, and for repeated infractions of the law, not only should the license be revoked but the offending party debarred from receiving another license in the future. Speed regulations in the open country should be more liberal than our present laws allow. Willful injury to persons or property by the driver of a car, or such injury by an intoxicated driver, should be a misdemeanor and punished accordingly without the loss of right by the injured party to maintain a civil suit. All vehicles upon a public highway should be required to carry lights. It should also be made a crime within itself, with severe penalties, for any one to seek to escape after an accident to which he has contributed. A reasonable license tax on motor vehicles would be more than sufficient to support a Highway Commission.

INHERITANCE TAX.

I recommend the passage of a law placing a tax upon inheritances so far as is permissible by the provisions of Sec. 219 of the Constitution.

The right to receive an inheritance is a privilege conferred upon an individual by the State, and it is but fair and just that the individual receiving the inheritance should contribute something for the support of the government which grants him the privilege.

I regret that our organic law so limits our powers as to prevent the enactment of a general inheritance tax

law, but so far as we have power under the Constitution such a tax should be imposed.

Thirty-six States of the Union have imposed an inheritance tax, and it is an important source of revenue in most of the civilized nations of the world.

EDUCATION.

The most important step in the educational progress of Alabama, in my judgment, is a constitutional amendment permitting an adequate local district tax for public schools.

At present practically the whole fund for the maintenance of elementary schools, high schools, normal schools, and the higher State institutions is from the State treasury. Counties are permitted to levy a one mill county tax, but no district local tax is authorized. The necessary result is that the elementary schools are a burden upon the treasury of the State. This tends to prevent local effort and to lessen or destroy local interest in the schools. For the elementary and high schools to be vital as educational agencies they ought to be supported in the main by county and local taxes. Furthermore, the necessity of maintaining our elementary and high schools altogether from State funds makes such a drain upon our treasury that we are unable to provide sufficient funds for the proper support of our normal schools and higher institutions of learning.

There should be, in my judgment, a maximum limitation upon the amount of the local district tax.

COUNTY SUPERVISION.

We need a more effective system of county administration and supervision of schools. The creation of a county board of education was a step in the right direction. I recommend, however, that such boards be clothed with larger administrative powers. It ought to have full power in the location of schools, without being required to place a school within two and one-

half miles of every child of school age; it ought to have authority to appoint teachers without depending upon the nomination of these teachers by local trustees; it ought to have power to appoint its own executive agent—that is a county superintendent; it should have power to go outside of the county, or if necessary to go outside of the State to find the right man for this position; it should determine his salary and keep him at his post as long as he is effective. So long as county superintendents are elected by the people we can not hope to have the most effective county supervision. The present system makes the office political, confines the selection to the limits of the county, makes tenure of office uncertain, and effective service almost impossible. Supervision of our city schools has been made effective by clothing our city boards of education with the powers which I have recommended for the county boards.

In Louisiana the parish school board selects the parish superintendent, and these boards do not hesitate to bring men in from other States. Some of these superintendents are receiving as much as \$2,500 a year, and in addition are provided with clerical aid.

County superintendents thus selected should be men professionally qualified for the service, and should be required to devote their entire time to the work. Under the law as it now exists a county superintendent of education is not required to be a trained educator. He conducts the examination of teachers and yet may be unable himself to successfully pass an examination for a third-grade certificate; he is supposed to be the leader of the educational interests of the county and yet may be without any education himself; he has supervision of all the public schools in his county and yet is not required by law to make a personal investigation of the management of a single school, or to inspect a single school building, or its hygienic arrangements, or investigate the educational needs of his county. The law in effect makes him simply the custodian of the county school funds—a disbursing officer, required to perform duties which could be discharged with equal efficiency by the county treasurer.

The law requires the State Superintendent of Education to annually, as far as practicable, visit every county in the State for the purpose of inspecting the schools and their management, yet we know that the other onerous duties of his office require all of his time and attention and makes such visits and inspection impracticable. He is without subordinate agents to perform this important duty, and the result is that the common schools of the State are practically without any supervision or inspection.

The State spends annually over two million dollars in public education. Can it afford to expend this enormous amount of the people's money without proper, careful and rigid inspection and supervision? Are we not entitled to know what we get for what we spend in the cause of education? Would any great corporation expend this princely sum without adopting every possible business method and safeguard to guarantee that it is so used as to accomplish the largest possible results? Yet, according to the report of the Superintendent of Education, 50 per cent. of the teachers who go out to our common schools are inexperienced; save for an occasional visit from a district trustee they are allowed to pursue the even tenor of their way undisturbed by inspection and unaided by the advice and counsel of any higher authority entrusted with the duty of supervision. Whether they earn their salaries or not, whether their schools are properly managed, or not, whether the best modern methods are being adopted, no one seems to know and no one seems to care. It is idle then for us to console ourselves with the reflection that we are making rapid progress in education as long as we allow such conditions to continue. On the other hand, the pessimistic utterances of those who assert that we stand at the foot of the list of the States in educational advance will not be likely to make any impression on the public mind until we can assure the people that the taxes they pay are being wisely and economically expended.

EDUCATIONAL SYSTEM.

The State educational institutions should, as far as is practicable under our constitution, be brought together into one educational system, organized and supervised in the interest of economy and efficiency. I have always regarded it as a public calamity that the State University at Tuscaloosa and the Polytechnic Institute at Auburn were not originally united in one institution. It would have prevented unwholesome rivalry and the duplication of plant and of effort. It would have been in the interest of economy as well as efficiency. It would have given the State one institution with practically double the number of departments each now possesses, and without any additional expense. Each State needs one university; it does not need two. It is impracticable now to suggest the union of these two institutions; it is forbidden by the constitution and is not demanded by public sentiment. Even if such demand should in the future arise, aside from other considerations, the practical loss of the valuable buildings erected at so great an outlay would constitute a serious if not insurmountable objection. I mention this, therefore, not to arouse any apprehension, but solely to point out a mistake we should be careful to avoid in the future.

We can avoid similar errors in the future by adopting an educational system which will prevent the duplication of plants, increase their efficiency and prevent economic waste. We can thus secure unity of organization and concerted effort.

The State has now nine normal schools. New normal schools can be created at every session of the legislature. The State no more needs nine normal schools than it does nine universities. This large number of normal schools have come into existence not because anybody believed that the State needed that many, but because some local communities wanted an institution supported from the State treasury. The necessary result has been that owing to this division of effort and of money, the State has not a single normal school ade-

quately equipped for its work. Virginia has one normal school with adequate equipment and an annuity of about \$60,000. In North Carolina we find a normal school with adequate equipment and an annuity of \$75,000. South Carolina has a normal school with a plant that cost about half a million dollars and an annuity of \$70,000. Yet in Alabama no normal school receives more than \$15,000 a year—and practically nothing for buildings and equipment.

In addition to this multiplicity of normal schools our county high schools are really State institutions under the administration of the State board. Each normal school is under the management of a separate board of trustees. This multiplicity of administration and control by separate and distinct boards of trustees necessarily prevents that unity and harmony of action, of interest, and of effort, so essential to the best development of our higher institutions of learning. It causes constant and undignified lobbying throughout the sessions of the legislature, and unseemly scrambles and unpleasant rivalry among the several State institutions before legislative committees. The struggles of the different boards of trustees and of the president and friends of each institution for additional appropriations, leads to log-rolling and lobbying and unfortunate rivalries and puts a premium on political leadership. It should be our aim to eliminate politics from education, to prevent rivalry, and secure that unity of action, of thought, and of sentiment, which alone can secure the most favorable results by the uniform and harmonious development of all our high institutions of learning.

I believe that our ultimate aim should be to establish a permanent fund, to be known as the "general educational fund," which should be made permanent and apportioned to the different educational institutions and agencies, in the interest of equity and efficiency. By making permanent this educational fund and by definite provision for the several educational institutions and agencies, we would put an end to the end-

less lobbying of individual institutions and make it possible for each institution to look years ahead in its educational plans and give each institution its proper place in the State's system of education.

A plan similar to this has been adopted in Tennessee, and the Virginia Educational Commission is now undertaking to place the whole educational revenues of that State on a permanent basis. As education is the State's chief public business permanent provision ought to be made for its maintenance.

I quote with approval the following extracts from a recent address delivered by that eminent educator, Dr. J. W. Abercrombie, the President of the State University:

"The public schools should be classified as first, second, and third grade, according as they are taught by first, second, and third grade teachers. The law which issues three grades of certificates evidently contemplates such classification. In the school conducted by a third grade teacher, only third grade branches should be taught. In the school conducted by a second grade teacher, only third and second grade branches should be taught. In the school conducted by a first grade teacher, all the branches should be permitted to be taught. Under existing law and practice, a second grade teacher may teach a first grade school, a third grade teacher may teach a second or first grade school, and either may undertake to teach college and university branches. This defect should be remedied.

"The salaries of teachers should be regulated by the grade of certificate held. In all other callings people are paid somewhat according to attainments, ability, experience, and special preparation. Why make an exception of teachers, a class among whom experience and special preparation are the chief qualifications for efficient service?

"If the salaries of teachers were regulated by the grade of certificate held, every third and second grade teacher would work by day and by night to advance to the next higher grade, because the compensation would be better; and that which would induce or force teach-

ers to higher qualifications would be good for them, good for the children under their care, and good for the cause of education generally.

“CHARTERED INSTITUTIONS.

“While there has been a noticeable improvement during the past few years, it has been the custom for the Legislature to grant charters to all institutions that sought them. The result is that Alabama has a large number of institutions empowered to confer degrees. In the granting of such charters, the matters of curriculum, teaching force, and material equipment have been entirely overlooked. I recall one such institution which was incorporated in the name of one person, and he was empowered to confer all the degrees and honors which are wont to be conferred by the best colleges and Universities. The entire equipment of the institution, including buildings, lands, laboratory apparatus, and other furnishings, together with the charter and goodwill, sold at one time for the sum of two hundred dollars. The entire teaching force, including the music, elocution, and art teacher (one person), numbered three.

“Colleges and universities rise and flourish and fall as if by magic. On one occasion an Alabama educator was introduced to a public audience as the man who had built more colleges than any other in the State, and, by way of further eulogy, it was stated that he was, at that very time having pine logs felled preparatory to building another. All of them were duly chartered.

“The ease with which colleges and universities so-called are built and chartered has become a matter of common knowledge; and low grade institutions are given high sounding names and charters are procured for the sole purpose of advertising them. Students are deceived and come away from such institutions with meaningless degrees, believing that they have been well educated. The result is that they are failures in life, real colleges and universities are injured, and the State's educational standard is kept low. This pernicious

cious practice should be stopped—stopped now and forever. A competent board should be created for the purpose of ascertaining and publishing what institutions are prepared to do the work upon which degrees can safely be granted, and no institution should be permitted to confer degrees unless it measures up to this standard.”

I, therefore, recommend:

(1) The submission to the people at the next general election of an amendment to the constitution permitting a local district tax for schools, a maximum limitation to be placed upon the amount of such tax.

(2) The appointment of an Educational Commission, with appropriation to cover the salary of a secretary and other necessary contingent expenses; this commission to be nominated by the Governor subject to confirmation by the Senate, and to have power: (a) to codify and simplify the school laws of the State; (b) to make a careful study of our whole educational system and to make full report with such suggestions for legislation as they may deem proper and advisable.

Such a Commission could make a partial report to any adjourned session of this body, and after such report is received we can then more intelligently enact such legislation as the needs of our educational system demand.

(3) That after the expiration of the terms of the present County Superintendents of Education, they be selected by the county boards of education—to serve for a stipulated term, with right of re-election; that a proper standard of qualification be fixed and that they be required to devote all their time to the work; that the salary be fixed by the County Board of Education, and that there be no requirement that the County Superintendent shall be a resident of this State.

PRIMARY ELECTION LAW.

The system of nominating candidates by direct popular vote has in the past few years rapidly won its way into public favor. This method of nominating candi-

dates for State and Congressional offices was first adopted in Alabama in 1902. The system, however, had prevailed in many counties and districts of the State many years prior to that period. We have therefore had sufficient experience with the system as it prevails in Alabama to ascertain its defects and understand its advantages. What are these defects or objections, and how can they be removed?

The large and increasing expenses to which candidates are necessarily subjected under this plan has become a serious evil. It is idle to say that a candidate need not spend more money than he wishes. No man enters a State contest for office without a desire to win success, and to win success he speedily discovers that he must adopt every legitimate method of campaigning which will lead to his nomination. He must distribute literature—he must visit all sections of the State—he must write personal letters to the voters and must use the columns of the weekly and daily press. He must organize committees—employ stenographers and clerks and liberally patronize the post office.

In Alabama the campaign is generally inaugurated months and even years before the nomination is made, and during all that period the time of a candidate must be devoted principally to campaigning.

The necessary result of this system is that the expense accounts of candidates seeking nomination are constantly growing and to such an extent as to prevent men of moderate means seeking public offices.

In addition to these expenses, every candidate is subjected to constant appeals from every form of charity. Committees seeking donations for the construction and repair of schools, churches and buildings dedicated to religious and charitable purposes never overlook the candidate, or fail to suggest that a liberal contribution is expected, and with all these demands there is the implied suggestion that a failure to respond liberally may seriously jeopardize his success at the polls.

Another serious objection to the primary system in Alabama is that no method has been adopted to prevent the voters of one party from participating in nominat-

ing candidates for the party they expect to oppose in the general election. Ours is a government by parties, and the men nominated by the primaries are usually those selected for public office. Hence, the people are deeply concerned in the method by which such nominations are made and the necessity of securing a fair and honest expression of a party's will. The candidate nominated is supposed to be the choice of a majority of his own party and hence members of the opposing party should have no voice in his selection or the power to dictate his nomination.

CAMPAIGN CANARDS.

Experience has also shown that a contest for a nomination before a primary, frequently engenders more bitterness and acrimony than a struggle between opposing political parties. Oftentimes publications without any basis in truth, but which reflect upon the character and honor of a candidate, are industriously circulated during the closing hours of a campaign. These publications, inspired by malice and degraded by the basest slanders, are generally without the signature of any responsible author. The candidate thus maligned and traduced is without remedy. His morality and his integrity may be basely assailed by covert and cowardly attacks, the authorship of which is concealed, and he is without any legal remedy for the attempted assassination of his character. The closing days of the campaign are the favorite time for the petty political bushmen to emerge from the foul recesses of their obscurity and lying in wait, to shoot their puny arrows, dipped with the poison of slander and hate.

The present laws in reference to the report of the expenses of candidates are utterly insufficient and should be amended so as to include not only the account of the candidate but of his campaign committee and of all other persons who expend money on his behalf. Some States provide that these accounts should be published in advance of the election, and I submit to your judg-

ment whether or not such a system should be adopted in Alabama.

I therefore recommend:

(1) That provision be made for the enrollment of party voters throughout the State, and that participation in primary elections, be limited to the enrolled party voters, with stringent provisions to prevent fraud.

(2) That the expense of holding primary elections, including printing of official ballots, providing polling places, be borne by the public.

(3) That a corrupt practice act be enacted in line with the experience of this and the other States, to guard against the excessive and improper use of money and undue influence. That the expenses which may be lawfully incurred by a candidate for nomination be prescribed and a better system for insuring publicity of all expenses be adopted.

(4) That the amount which may be expended by a candidate for nomination be limited.

(5) That it be made unlawful to write, print, or circulate through the mails or otherwise any letter or circular, bill or postal relating to any candidate, unless the same shall bear on its face the name and address of the author, owner, printer or publisher thereof.

(6) To make the author and every person printing and knowingly assisting in the circulation of any letter, circular, postal or bill containing any false statement or charges reflecting on any candidate's character, morality or integrity, guilty of political criminal libel, with suitable punishment.

Defense of such alleged libel, shall be proof on trial that person charged had reasonable ground to believe such charge to be true; and that the author or other person charged with such libel shall also prove that at least 15 days before such letter, circular, postal, bill or placard containing such false statement was printed or circulated, he or they caused to be served personally and in person, upon the candidate to whom it relates, a copy thereof in writing, calling his attention particularly to the charge contained therein, and that before printing or circulating such

charges he received and read any denial, defense or explanation, if any was made in writing by the accused candidate, within 10 days after the service of such charge upon the accused person.

(7) Prevent all undue influence or intimidation at a primary or general election.

(8) The circulation of anonymous publications affecting candidates for office should be prohibited under proper penalties, and requirements should be made that all campaign documents affecting a candidate, should be when published in newspapers, upon the responsibility of the proprietor and publisher, or should bear the signature of the person or political committee issuing the same.

(9) To prevent the use of badges, or any effort to influence the action of a voter on the day of a primary election.

(10) To prevent the serving of food or drink to any voter, or the payment of his expenses for loss of time in attending such election.

(11) To prevent the employment of workers on the day of such election.

FOREST LEGISLATION.

I believe that the rapid destruction of our forests, makes it our duty to promote wise forest legislation.

In my judgment, the greatest need of the State in this matter, is a technically trained State Forester, who should supervise and control the work of forest fire protection throughout the State, give advice to lumbermen, timber land owners and farmers as to the care of forests, and distribute information generally to the people of the State on this subject. It might be wise to either exempt or put a nominal tax upon lands which are held solely as a forest reserve. Forest Departments of the character mentioned have been established by many of the progressive States of the Union, and in no section do they promise greater good than in Alabama.

LAW REFORM.

Statistics gathered by the Census Department in 1900 show that in the United States, the average of deaths from gunshot wounds, was one to every nineteen thousand population. The average in Alabama was one to every seven thousand. The latest mortality statistics issued by the Census Bureau for 1908, and just published, shows that there were 52,421 deaths from violence in 1908. The proportion of deaths from homicide to population was 6.7 to every 100,000. The total number of deaths from violence in 1908 was 52,421, out of which number 3,003 were from homicides. The recent report of the Attorney General of the State shows that in the years 1907-1908 there were 657 deaths from homicides in Alabama. This only included cases that were tried in court, and when we include those homicides where the guilty parties have fled or have not been brought to trial, the number must be much larger. But even according to this report the average in Alabama in 1907-1908 would exceed 15 to every 100,000 of population, and the homicides in Alabama constitute about one-ninth of the whole number reported in the registration area of the United States. This registration area embraces only those cities and States which have mortality statistics, and the estimated population of the registration area for the year 1908 is 45,028,767, or 51.8 per cent. of the total estimated population of the United States.

It would serve no good purpose to compare the average number of deaths through homicides in Alabama with the proportion that exists in other States. It is sufficient to say that the comparison would neither be creditable nor flattering, and that our record would be both unenviable and deplorable. It is therefore useless to ignore conditions which can be known by any man who will seek information. We cannot escape the responsibility by attributing this humiliating and deplorable condition to the presence in our State of another race, and to the larger per cent. of crime committed by ne-

groes compared with our own people. In other States where the negro is found in numbers as large if not larger than in Alabama, we still lead in the percentage of homicides. We cannot attribute this high rate of murder to racial differences, to illiteracy, or to density of population. We must seek the cause for this condition and apply the remedy. Popular government in Alabama is a failure unless human life can be made as secure in this State as in any of our sister States. We should not be content until it is as secure here as it is in the best governed States of the Union, or the old world.

We have sufficient courts to enforce the law. We have able prosecuting officers. Is it the fault of our people? We have as high a type of civilization as can be found in other States. The mass of our people are moral, intelligent and law-abiding. We have a code of criminal laws that embraces almost every conceivable crime. The fault then must lie in the enforcement of the law. We cannot escape this conclusion. Almost every issue of the daily press contains gruesome details of another case to be added to the long calendar of homicides in Alabama. The deadly revolver is never idle, and scarcely a day passes that human blood is not shed. We know then that this appalling record of death from violence exists; that it saps our moral and material interests and retards our development and progress. We know that crime is not sufficiently punished. The record of convictions and punishment is infinitesimal compared to the long calendar of those who are charged with homicide. We know these facts. It is our duty to find and apply the remedy.

In our zeal to protect the accused and to secure every person charged with crime a fair and impartial trial, have we not also allowed mercy to temper justice to such an extent, as to cause us to fail in our solemn duty to protect society? If, at any former period in the history of our criminal laws, there was a tendency to harsh and cruel punishment, or to unjust convictions, such conditions cannot be claimed

to exist now. On the contrary, we know that by intricate pleadings and motions, by delays and special favors, by repeated reversals in appellate courts—and upon technical and oftentimes insignificant rulings on the admission of testimony—by the favors we extend to those charged with crime in the selection of jurors—we have rather sought to make our courts places of refuge for the criminal, who has ruthlessly and flagrantly inflicted injury or death upon the innocent or helpless.

Why should the defendant be allowed more challenges than is accorded the State? Why should the person accused be allowed more opportunities for escape from the consequences of crime than the State is allowed to secure the conviction of the guilty? Can such a preference be sustained by argument or justified by reason? There are too many reversals for technical errors. This is one of the fundamental defects in our system of criminal law.

In a paper read at the last meeting of the Alabama State Bar Association by a distinguished prosecuting officer in one of the districts of this State I find the following statement:

“I have examined about 75 murder cases that found their way to the Supreme Court (reported in random volumes 100 to 160 of the Alabama Reports). More than half of these cases were reversed, and not a single one of them on any matter that went to the merits of the case; and very few of them upon any matter that could have influenced the jury in reaching a verdict.”

President Taft, conceded to be one of the great lawyers of the nation, summed up the whole situation in these words:

“No judgment of the court below should be reversed except for error, which a court, reading the entire evidence, can affirmatively say would have led to a different verdict. It should be for the de

feated party to satisfy the appellate court that the error was really prejudicial to him upon the merits."

Our forms of criminal procedure we acquired from England, and yet we have stubbornly refused to adopt the extensive and wholesome reforms of that same procedure which England began instituting in the last century.

As Prof. John D. Lawson, an eminent law writer, truly said, "In nearly every other branch we are teaching the science of today, but we are teaching the legal science of the days of the Tudors."

Therefore, to prevent technical reversals, where the merits of the case were not involved, a rule was adopted in England in 1878, and recently endorsed by the American Bar Association, as follows :

"No judgment shall be reversed or new trial granted on the ground of misdirection of the jury, or the improper admission of evidence, or for error, in any matter of pleading, practice, or procedure, unless in the opinion of the appellate court, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice."

I earnestly recommend the passage of a statute embodying this rule in the laws of Alabama.

There is another reform which, in my judgment, is fundamental and without which, in my opinion, we cannot expect to secure a proper, vigorous and efficient enforcement of our criminal laws, and that is not only to restrict the power of our Supreme Court to reverse and remand causes on technical error but to restore to our judges their common law powers and to invest them with more latitude and discretion in the trial of criminal cases. To accomplish this reform it is only necessary to amend section 5362 of the Code of 1907.

Our trial judges should not be mere presiding officers, but should take an active and controlling part in the trial. The present restriction upon their common law right to sum up the evidence or present to the jury clearly the issues of fact that may be involved, converts our judges into mere presiding officers and denies them the powers which have always been exercised by the judges in England and in the Federal Courts in this country.

Under the law which now prevails in Alabama the trial judges are too much hampered in freedom of action and expression. This is due to an apprehension on their part that any attempt to restrict counsel for the defendant in the examination of jurors or witnesses, or even in argument, might be regarded by the appellate court as a ground for reversal. Again, our statutory provision which prohibits judges from charging juries in respect to matters of fact reduces the power of a trial judge, in the language of President Taft, to "little more than that of a moderator in a religious assembly." These conditions could be in a large measure removed by the adoption of the rule which I have mentioned—that is by giving appellate courts power to review the facts and to affirm, notwithstanding error, if satisfied that the verdict and judgment accord with substantial justice. Under our system the jurors must continue to be the ultimate and final arbiters of the facts, but there is no reason why they should not be aided in reaching a true verdict by a learned and impartial judge, who is by training and experience competent to weigh and apply the testimony.

The present restrictions in Alabama takes away from the trial court the power to prevent the unnecessary consumption of time in the examination of witnesses by fear of reversal, and both in England and the United States where judges are permitted to sum up and weigh the testimony and even to express an opinion as to its weight, it has not resulted, so far as I am advised, in inducing juries to render unjust and unfair verdicts.

The unnecessary delays which now exist in the trial of criminal cases at every step of the proceedings should be eliminated. We should not, of course, unduly limit the right of any defendant to a fair trial, or deny him full opportunity to present all the facts to the jury, nor should the right of counsel be unduly limited in presenting argument to the court on the law and discussing the facts of the case before the jury. We should only seek to clothe the court with fuller and ampler powers to prevent the unnecessary delays which result in the examination of witnesses on immaterial and irrelevant matter, or by repetition of the same facts, or by the consumption of undue time in arguing questions of law about which the court has a decided opinion. We should not by our adherence to established usage or customs, which do not properly distinguish between what is substance and what is mere matter of form, retard progress in criminal procedure. The whole aim of our criminal law should be to bring the guilty to punishment as speedily as possible, and with the same rapidity free the innocent.

The report of the Special Committee on Reform in Legal Procedure of the American Institute of Criminal Law and Criminology, who were commissioned last spring to visit England and make a study of the criminal procedure in that country, states that they spent four months in the courts of London and the Assizes, where they were afforded every facility by the bench and bar of England for conducting their inquiries, and of the 16 cases which the committee saw tried in the Central Criminal Court of London, 10 of which were for murder, arson or rape, only three consumed more than two and one-half hours and several were disposed of in an hour and a half. They stated that appeals are quickly dispatched, 15 cases being disposed of by the Court of Criminal Appeals in one day during the attendance of the Committee. In a recent editorial comment on their report it is stated that this Court of Appeals "considers that its principal function is to administer substantial justice," and does not, therefore

lay stress on technicalities either for or against the defendant. It was said in that report that the judicial force in England is very small compared with ours.

I suggest for your consideration the following, among other, recommendations contained in that report. These recommendations were made by two of the most distinguished lawyers in the country and were the result of careful investigation, and after months spent in attending the sessions of the criminal courts of Great Britain:

(1) All objections to the indictment should be made before evidence is heard, and errors in matters of form amended at once.

(2) All prisoners upon trial upon indictment, who are unable to employ counsel, should be furnished with legal assistance throughout the trial, including the arraignment.

(3) The prosecuting attorney, instead of being a partisan, should investigate the case from a non-partisan standpoint, and should make an impartial presentation of the evidence to the jury.

(4) The fee system, wherever it exists, for the compensation of prosecuting attorneys, should be abolished.

(5) The trial judge should not be a mere presiding officer, but should take an active and controlling part in the trial. He should restrict counsel to the arguing of relevant questions. He should promptly overrule and discourage technical objections. He should not permit counsel to intimidate or improperly confuse a witness. He should sum up the evidence to the jury and direct them as to the law applicable thereto.

(6) New trials should never be granted for technical errors, but only to prevent miscarriage of justice.

A number of the States of the Union make appropriations authorizing the Governor to employ permanently a small corps of trained detectives to aid local officers in ferreting out crime. These detectives can be sent by the Governor to any place and to investigate any case whose importance, in the opinion of the Governor, justifies such action.

I would suggest that in the larger cities of the State the prosecuting officer be allowed to employ a stated number of trained detectives to assist in the enforcement of the law.

A number of States in the Union have enacted statutes which authorize the Governor, whenever in his judgment the public interest demands, to employ special counsel to aid in the enforcement of the law in reference to those offenses which are made capital. The Attorney-General of the United States is authorized to employ special counsel in civil as well as in criminal cases, and the vigorous and successful manner in which crime is punished by the Federal Courts conclusively establishes the wisdom of such a policy.

This State has frequently employed counsel to protect its property rights in the courts, or to aid the law officers of the State in protecting the rights of the public in civil causes. It is equally, if not more important that the State should be liberal in employing counsel wherever necessary to secure the conviction of those who are guilty of shedding human blood, or robbery, rape, or other capital and heinous crimes.

SUPREME COURT.

It is apparent that our Supreme Court needs relief. The cases coming before that body are too numerous for that court as at present constituted, to determine with promptness and at the same time to give the care which many of them, from their grave importance, demand. Every utterance of our Supreme Court should be the last word, and should represent the utmost research obtainable. We have a court as able in its individual members as that of any State in the Union, but it is impossible for it to give sufficient attention to the multitude of important questions submitted to it and at the same time keep up with the rightful demand for speedy determination of the cases on its docket.

The plan of relief is for you, but that some relief should be given is imperative. The Alabama State Bar

Association has had the matter under consideration and may submit some recommendations to you, and I feel confident that the recommendations of the Association on the subject, if any are made, will receive your careful consideration.

AGRICULTURE.

There has been greater advance in agriculture during the past few years than any former period in our history. This is largely due to improved methods of farming, to scientific training and to the influence of our Polytechnic Institute and the active efforts of the National Department of Agriculture.

Agriculture will continue to be the occupation of the great mass of our people. It is upon the industry and intelligence of our farming class that we must rely for our principal sources of wealth, as well as commercial supremacy. We can do nothing that will add more to the prosperity of the State, or more fully justify the confidence of the people, than by doing all in our power to promote the interest of our agricultural classes and to encourage better methods of farming.

Under the intensive system of farming which has been tried so successfully in all parts of the State, there seems to be no limit to the productive capacity of our soil. The United States Government, through its Agricultural Department, is spending about \$25,000 a year in farm demonstration work in this State. If we would contribute a similar amount, a paid expert could be secured in every county of the State. No expenditure would yield a richer return. I earnestly urge that this amount be appropriated to aid this important work, to be expended under the direction of the State Commissioner of Agriculture.

Under the law as it now exists the Professor of Agriculture and Chemistry of the Alabama Polytechnic Institute, as ex-officio State Chemist, performs the work of fertilizer analysis. He is

required, on the application of the Commissioner of Agriculture, to analyze and certify the analysis of all fertilizers. It is claimed by the incoming Commissioner of Agriculture, that the rapid increase in the use of fertilizers makes it impossible for the State Chemist to furnish with sufficient promptness, on the application of his department, analysis of fertilizers, that delays which are now seemingly unavoidable are not conducive to efficient service by his department, and cause serious injury to our farming class, and that the only remedy for this situation can be found by the appointment of a competent assistant State Chemist to be located at the capitol, and under the direct control of the Commissioner of Agriculture. I submit this matter for your careful consideration.

CHILD LABOR.

Under the Act approved August 29, 1909, children under twelve years of age were forbidden to work in any mill, factory or manufacturing establishment in this State.

Nearly all of the States of the Union have fixed the age limit at fourteen years.

I earnestly urge that the present law be so amended as to prohibit children under fourteen years of age from working in our mills, factories and manufacturing establishments.

I recommend that no child under sixteen years of age be allowed to do any night work.

I recommend an amendment to the statute above mentioned by striking out from Sec. 8 the word "knowingly" where it appears therein.

The Department of Commerce and Labor of the United States has made a careful investigation of conditions existing in this State, and I quote the following:

"In Alabama out of 145 children under 14 reporting, 95, or 65.5 per cent., were unable to read or write. Of these 42 had never attended school,

and 53 reported an average attendance of 6.5 months."

The age limit in this State is being openly and freely violated. The employment of children under the legal age of 12 years, as now prohibited, according to the reports of the United States Department of Commerce and Labor, as made by 30 agents of the Department, in investigating southern mills, show that 494, or more than one-half of the 949 children under 12 years of age, were 11 years old; of the remainder, 283 were 10 years old, 107 were 9 years old, 48 were 8 years old, 16 were 7 years old, and one—who worked as a helper—was only 6 years of age.

In most of the States of the Union children between the ages of 14 and 16 years are not allowed to work during the sessions of the public schools.

In New York a child labor law was passed in 1909 forbidding the employment of minors under 16 years of age in dangerous employments.

I think our legislation on this subject should be in line with that of the most advanced States in the Union.

MINING LAWS.

Our present mining laws were adopted many years ago when the mining industry was practically in its infancy. Alabama now ranks as one of the great mining States of the Union, and we should adopt such laws as will furnish every protection which science and engineering skill can suggest for the protection of those upon whose labor this important and hazardous industry depends. The present number of mine inspectors is wholly inadequate. There should be more frequent and thorough examination of mines, and more power given to the inspectors. We should pay such salaries as will secure the services of the most thoroughly competent men that can be employed for this important duty. Men who work in our mines should receive every protection which modern engineering skill and science can devise.

Let Alabama take her rank among the most advanced States of the Union on this important subject of legislation. A system of laws suitable to the present condition of our mining industry would not only attract capital and labor, but would unquestionably advance its growth and development.

It is unnecessary for me to call your attention to the terrible mortality which has recently occurred in some of the mines of the State due to causes for which I am unable to account. I am not prepared to say what is responsible for this alarming condition. I suggest that it should receive your careful consideration and investigation, and proper remedies provided to prevent, as far as possible, their recurrence.

CORPORATIONS.

My views on this important question are so fully and clearly expressed by the democratic platform adopted on the 17th of May, 1910, that I quote it in full:

"The public has a right to require from public service corporations just and impartial service, without rebates, discriminations or exactions, and an efficient and courteous performance of their duties.

"Such corporations, on the other hand, are entitled to just and fair treatment, and to the equal protection of the law; and capital invested in such enterprises should not be denied the opportunity of earning just and reasonable compensation.

"We favor legislation which will safeguard the rights of the public as against such corporations, but condemn any legislative attempts to cripple such corporations by enactments which are harsh, retaliatory or inspired by a spirit of hostility."

I would suggest that the powers of the present Railroad Commission be so enlarged as to embrace telephone and telegraph companies, with full power, after hearing, to adjust and regulate intra-state rates.

ASYLUMS, CHARITABLE AND ELEEMOSYNARY INSTITUTIONS.

I believe that all of our charitable and eleemosynary institutions should be placed under the control of one board of trustees nominated by the Governor and confirmed by the senate. I believe these trustees should receive proper compensation, and should give their whole time and attention to their duties. All of these institutions should be so conducted as to secure both economy and the best results. I most cordially endorse the recommendations of my distinguished predecessor that the board of trustees of the Insane Asylum should be nominated by the governor and confirmed by the senate. I concur likewise in his opinion that it is unwise to permit an institution such as our State asylum, to have unchecked access to the State treasury, and that the pay of all the officers and the erection of necessary new buildings should be made by direct appropriations, and a per capita appropriation for the care and keep of the inmates.

We desire our benevolent institutions conducted in every respect on the highest plane. In saying this I do not wish to be understood as reflecting upon the present management of these institutions. The State but obeys the philanthropy of the Master when it protects the needy and afflicted, and "him that hath none to help him." But as has been truly said, "The establishments which a christian State maintains for charity are sacred and every selfish purpose should perish at their doors."

AUDITOR'S REPORT.

I most cordially endorse the legislative recommendations contained on page 7 of the Auditor's Report for 1910.

FEE SYSTEM.

The report of the Attorney General shows that for two years ending December 30, 1910, 20,066 criminal cases were disposed of in the State. Of this number

7,682 were not tried, being either dismissed, abated or withdrawn. He states: "Adding to this number 2,891 acquittals, it will be noted that 10,573 prosecutions were instituted, and except in a few cases abated by death, the testimony was not sufficient to convict." As he correctly states, this astonishing number of reported cases was due to the practice of instituting frivolous prosecutions in misdemeanor cases. In other words, as he states, in the past two years four cases out of every ten were dismissed without a trial. We should endeavor to seek the cause for this deplorable state of affairs. It is due, in my judgment, largely to the miserable fee system which prevails in Alabama. I earnestly urge that this question shall receive your careful consideration, and every effort be made to abate this astounding number of frivolous and unjust prosecutions.

CONCLUSION.

There are many other serious and important questions the discussion of which would unduly lengthen this message. I shall, therefore, avail myself of my constitutional privilege "from time to time to recommend such measures as I may deem expedient."

It is your duty, as well as privilege, to simplify and improve our laws, to make them wise and just, to sustain the courts in the exercise of their full powers and authority, to aid in the development of our great resources, to advance all of our great interests, and to preserve, protect and defend our legal institutions. I earnestly hope that by our joint labors we can in some measure succeed in lifting our beloved commonwealth to that enviable condition of a State "Whose laws give content to the people because they are just, and because the people know and understand and approve, and therefore abide by them."

EMMET O'NEAL,
Governor.

January 16, 1911.

GOVERNOR'S MESSAGE.

On motion of Mr. Moulthrop, the reading at length of the message from the Governor, was dispensed with and 2,000 copies of same ordered printed for use of the Senate.

RESOLUTION.

Mr. Moulthrop offered the following resolution:

S. R. 16. Whereas, the State Senate of Alabama, believes that certain portions of the message of Governor Comer to the Legislature, to be an unnecessary and uncalled for reflection upon a high judicial officer of the government;

Therefore, be it resolved by the Senate, that a committee of five be appointed by the president pro tem of the Senate to consider the matter and to report to the Senate what portions of said message they believe to be such a reflection with the view that the same may be considered by the Senate for the purpose of taking such further action as it may consider necessary.

Which was read and referred to the rules committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 64. To amend section 923 of the code of Alabama.

And sends same herewith to the Senate without engrossment.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was severally read once and referred to appropriate standing committees as follows:

H. 64. To Rules.

RESOLUTION.

Mr. Frazer offered the following resolution:

S. R. 18. Whereas, We learn with profound sorrow of the death of Mrs. C. P. Rogers, Sr., the wife of the venerable and beloved senator from Lowndes,

Now, therefore, be it resolved that while bowing our heads to the Divine Will, we extend to our friend and fellow senator our tenderest sympathy, and heart felt condolence, in his irremedial loss.

Which, under a suspension of the rules, was unanimously adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following bill:

S. 4. To amend sections 920 and 922 of the code of Alabama.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

RESOLUTION.

Mr. Morrow offered the following resolution:

S. R. 19. Be it resolved, that a committee of three consisting of Senators, Moody, Tunstall and Frazer, be appointed to conduct Hon. W. D. Seed, newly elected Lieut. Governor to the chair.

Which, under a suspension of the rules, was adopted.

ELECTION OF UNITED STATES SENATOR.

This being the second Tuesday after the meeting and organization of the Legislature of Alabama for 1911, and pursuant to a Senate Joint Resolution heretofore adopted, the hour of twelve o'clock m. having arrived the Senate proceeded openly by viva voce vote of every member present, in accordance with the United States Statute, made and provided to name one person for

senator from Alabama in the Congress of the United States of America, to succeed Senator John Hollis Bankhead, whose term expires on the 4th day of March 1913.

Mr. Beasley placed in nomination for Senator in Congress for Alabama John Hollis Bankhead of Walker county Alabama, to succeed himself, whose term of office expires March 4, 1913, and on a call of the roll of the Senate, those who voted for Mr. Bankhead are:

Messrs.:	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Rogers
Brown, C. W.	Lovelace	Screws
Brown, W. T.	Merrill	Sherrod
Crumpton	Miller	Sprott
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

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And the president of the Senate announced that John Hollis Bankhead had received thirty-two votes, being a majority of the whole number of votes cast in the Senate of Alabama to succeed himself as Senator in Congress of the United States, whose term expires on the 4th day of March 1913.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 46. To establish an inferior court, in precincts 1, 2, 3, 4, 5, 6 and 7 in Montgomery county, Alabama, in lieu of all justices of the peace, in said precincts, and to define the jurisdiction and powers of said court, and the judge thereof, to provide for the execution of process of said court and the operation thereof, to provide for the election, term of office, qualifications and com-

pensation of the judge thereof, and to fix the compensation of the officers of said court, and the mode of their selection, and to abolish the office of justice of the peace in said precincts.

And sends same to the Senate without engrossment and with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, convening January 10, 1911, "To establish an inferior court in precincts 1, 2, 3, 4, 5, 6 and 7 in Montgomery county, Ala., in lieu of all justices of the peace in said precincts, and to define the jurisdiction and powers of said court and the judge thereof, to provide for the execution of the process of said court and the operation thereof; to provide for the election, term of office, qualifications and compensation of the judge thereof and to fix the compensation of the officers of said court and the mode of their selection, and to abolish the offices of justice of the peace in said precincts."

Said bill will provide an inferior court in precincts 1, 2, 3, 4, 5, 6 and 7, Montgomery county, Alabama, to be known as the inferior court of Montgomery, which shall be in lieu of all justices of the peace in said precincts, said court shall have all the jurisdiction now conferred by law on justices of the peace in said precincts, or that may hereafter be conferred by law upon justices of the peace, and the same rights, privilege and disabilities. The judge of said court must at the time of his election have been a resident of one of said precincts for at least one year, be at least twenty-five years of age and have been admitted to practice law in the State of Alabama. His term of office shall be six years. Said judge shall be elected at an election held in said precincts on April 3, 1911, said election to be governed by the general election laws of Alabama as the county officer. The person receiving the highest number of votes in said election shall take office on April 10, 1911

and hold office until January 1, 1917, and until his successor is qualified. His successor shall be elected at the general election in 1916, and at the general election every six years thereafter. Vacancies in the office of judge shall be filled by appointment of the governor. The salary of the judge shall be \$3,600.00 per annum, payable monthly out of the county treasury.

There shall be a clerk of said court, to be appointed by the judge, who shall give bond in the sum of \$2,000.00. For the faithful discharge of his duties, to be approved by and filed with the judge of probate. Salary of said clerk shall be \$1,500.00 per annum, payable monthly out of the county treasury. The clerk shall be authorized to administer oaths and issue all process of said court except warrants of arrest and writs of commitment, which shall be issued by the judge. He shall keep a docket of the proceedings and certify appeals and certioraris; all judgments and orders shall be signed by the judge. The fees and costs that are now allowed by law to justices of the peace, constables and sheriffs in said precincts in justices' court shall be taxed and collected as now provided by law, and shall by the clerk be paid over to the county treasurer on the first Monday of each month. The turnkey fee of \$1.00 for every prisoner placed in, and \$1.00 for every prisoner released from, the county jail by said court shall be paid to the sheriff. The judge shall appoint a bailiff to be paid \$360.00 per year, payable monthly out of the county treasury.

All process of said court shall be addressed to the sheriff of Montgomery county, and shall be executed either by the sheriff or a deputy. The sheriff shall receive no fees for these services, but shall receive \$1,800.00 per annum, payable monthly out of the county treasury. The turnkey fees accrue to the sheriff. All cases pending in the courts of justices of the peace in said precincts shall be transferred to the inferior court, which shall proceed therewith. There shall be no justices of the peace hereafter elected or appointed for said precincts and the office of justice of the peace therein shall be abolished, from and after April 10, 1911.

The judge of said inferior court shall be liable to impeachment in the same manner that is now provided for justices of the peace.

Said judge may issue a restraining order to any justice of the peace or notary public with the powers of a justice of the peace in said county, who assumes to exercise any of the exclusive jurisdiction of said inferior court. Such justice may be required to show cause why he should not be punished for contempt for disobedience to such order.

Upon the institution of said inferior court each of the justices of the peace in said precincts shall deliver all their dockets, official papers and records to the clerk of said inferior court, execution and other process thereon may be issued from said inferior court. Costs accruing in any case before transfer, when collected, shall be paid by the clerk of said court to the person to whom same had accrued.

The clerk shall issue execution on all judgments in five days from the rendition thereof, and place same in the hands of the sheriff, who shall return said execution within thirty days.

All laws affecting the practice of courts of justice of the peace in Montgomery county, shall be applicable to said inferior court.

The board of revenue of Montgomery county shall provide for the proper accommodation of said court. The Governor may appoint a special judge from a list of three attorneys submitted to him by the judge, who shall be paid by the regular judge.

An act entitled "An act to provide for the election of only one justice of the peace for each precinct within or partly within the city of Montgomery; and to define the powers and jurisdiction of said justice of the peace, approved August 7, 1907," shall be repealed and all laws, local and general or special, in conflict with this act, shall be repealed.

The State of Alabama, }
Montgomery County. }

Before me, H. M. Blue, a notary public, in and for said county and State, personally appeared Brame

Hood this day, who is known to me and who by me first being duly sworn on oath says: That he is the advertising manager of The Montgomery Journal, a newspaper published in Montgomery county, Alabama; and that the attached notice with reference to "a bill to be entitled an act to establish an inferior court in precincts 1, 2, 3, 4, 5, 6 and 7 in Montgomery county, Alabama in lieu of all justices of the peace in said precincts to define the jurisdiction and powers of said court and the judge thereof, to provide for the execution of the process of said court and the operation thereof; to provide for the election, term of office, qualification and compensation of the judge thereof and to fix the compensation of the officers of said court and the mode of their election, and to abolish the offices of justice of the peace in said precincts," was published in said newspaper once a week for at least five consecutive weeks and on the following days to wit: December 12, 1910, December 19, 1910, December 27, 1910, January 2nd, 1911, and January 9th, 1911.

Brame Hood.

Subscribed and sworn to before me this 10th day of January, 1911.

H. M. Blue,
Notary Public for Montgomery County, Ala.
W. F. Herbert,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was severally read once and referred to appropriate standing committees as follows:

H. 46. To local legislation.

BILLS ON THIRD READING.

The bill:

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds

and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a Building Commission for such purpose, and to make an annual appropriation for the maintenance of such residence.

Was taken up.

Mr. Sherrod offered the following amendment to said bill:

Amend section 5 of the bill by striking out in first line of said section the words, "The fiscal year beginning October 1st, 1911" and inserting in lieu thereof the words, "-----"
February 1st, 1911.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Frazer	Nance
Allen	Godbold	Renfro
Atkins	Justice	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Lovelace	Sprott
Curry	Miller	Stokes
Espy	Moody	Tunstall
Fite	Morrow	Vaiden
Folmar	Moulthrop	

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Nays—0.

Pending the further consideration.

RESOLUTION.

Mr. Sprott offered the following resolution:

S. R. 20. Whereas, The Senate has learned of the death of Hon. B. D. Turner, senator-elect for the 29th senatorial district, therefore;

Be it resolved, That the Senate of Alabama has learned of the death of Senator Turner with deep regret and that we tender to the bereaved family and friends of the

deceased our heartfelt sympathy, in this their hour of sadness and sorrow,

Resolved, That as a token of our respect for our deceased brother Senator that the Senate adjourn until tomorrow at 10:30 o'clock a. m.

Which, under a suspension of the Rules, was adopted.

ADJOURNMENT.

Pursuant to the foregoing resolution the Senate at 12:30 p. m. adjourned until 10:30 o'clock tomorrow morning.

EIGHTH DAY.

Wednesday January 18, 1911.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Jones of the city.

ROLL CALL.

Present:

Mr. President and,

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Sprott
Curry	Morrow	Stevens
Espy	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Norman	Vaiden
Frazer		

JOURNAL.

On motion of Mr. Compton the reading of the Journal of yesterday was dispensed with, and the same was approved.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Moody the privileges of the floor were extended to Hon. S. J. Bowie and Judge M. Sollie for to day.

SPECIAL ORDER SET.

On motion of Mr. Frazer.

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a Building Commission for such purpose, and to make an annual appropriation for the maintenance of such residence.

Was made a special order for 12 o'clock m. today.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report.

S. R. 17. Directing doorkeeper to put telephone in anteroom for use of Senators, which report and resolution were unanimously adopted.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Kilby:

S. 50. To perpetuate the United States Government Land Surveys and to establish a uniform system of marking land corners in the State of Alabama.

Agriculture.

By Mr. Sprott:

S. 51. To amend section 1216 of the code of Alabama.

Revision of Laws.

By Mr. Sprott:

S. 52. To appropriate money for the Alabama Normal College of Livingston, Alabama.

Education.

By Mr. Vaiden:

S. 53. To change and regulate the appointment of the board of control of the Canebrake Agricultural Experiment Station, to prescribe the authority and duties of the said board and to provide for the expenses of the said station.

Military.

By Mr. Crumpton:

S. 54. To amend section 341 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Godbold:

S. 55. To render competent the wife as a witness for her husband, charged with a criminal offense, when called by him to testify.

Judiciary.

By Mr. Moulthrope:

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes, and to prevent the hiring of such convicts to private persons or to corporations; and to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

Military.

By Mr. Folmar:

S. 57. To appropriate out of any funds of the State, not otherwise appropriated, the sum of seventeen thousand dollars (\$17,000.00) to be used for the purpose of aiding in the erection of a dormitory for the State normal college, situated at Troy, Alabama.

Education.

By Mr. Nance (by request) :

S. 58. To provide for the appointment of a chemist and assistant chemists for the department of Agriculture and industries, fix their salaries and provide for a laboratory.

Agriculture.

By Mr. Nance (by request) :

S. 59. To establish a State board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

Agriculture.

By Mr. Fite :

S. 60. To repeal sections 113, 114, 115, 116, 117, 118, 119, 120 and 6686 of the code of Alabama of 1907.

Judiciary.

By Mr. Stevens :

S. 61. To amend section 3257 of the code of Alabama.

Judiciary.

By Mr. Stevens :

S. 62. To provide a limitation in which proceedings to charge lands for the payment of debts of a decedent must be instituted, so far as the same applies to the rights of bona fide purchasers for value from the heir, or devisee.

Judiciary.

By Mr. Stevens :

S. 63. To provide a proceeding to establish heirship and to declare the effect of such proceedings.

Judiciary.

COMMUNICATION.

Mr. Norman read to the Senate the following communication, which was referred to the committee on Temperance.

To The Legislature of Alabama:

The Womens Christian Temperance Union of Alabama in Annual Convention assembled, by unanimous vote instructed the President, and Secretary thereof in

the name of the organization to lay before you a memorial praying: That you as guardians of the welfare of all the people of this great State, in your sovereign capacity as representatives of an intelligent, christian constituency, do not impair, weaken, or in any way break down the present policy of State-wide prohibition; and now, in our own name, in the name of the organization, and in the name of thousands of mothers, wives, daughters and sisters of the State pray you that: You do not in any way repeal, weaken or diminish the force and effect of the statutes of this State prohibiting the manufacture and sale of spirituous, vinous or malt liquors as provided.

By the suppression of liquor traffic in our State drunkenness will be decreased, crime will be lessened, homes of thousands be made happier, many hungry mouths be fed and many minds be enlightened by education. The highways in city and country will be safer for women and children, the manhood of the State be ennobled, the womanhood of the State relieved of many burdens; the resources of the people who are relieved from the temptations of strong drink will be increased for the material and moral upbuilding of the State and advancement of civilization.

Mrs. John Bonnell Chatfield, President.

Mrs. M. T. Jeffries, Vice-President.

Mrs. I. D. Steele, Rec. Secretary.

Mrs. J. B. Mell, Corresponding Secretary.

Mrs. B. T. Woolley, Treasurer.

RESOLUTION.

Mr. Norman offered the following resolution:

S. R. 21. Resolved, that all bills covering appropriations referred to committees of Senate after a full investigation as to the merit and necessity of the bill, all such bills shall be passed on to the committee on Finance and Taxation with recommendations from such committees.

Which was read and referred to the committee on Rules.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 9. Providing for the docketing of Lis Pendens and attachments against non-residents.

Also,

S. 12. To amend section 637 of the Code of Alabama.

Also,

S. 22. To amend sections 3134, 3135 and 3136 of the code of Alabama of 1907.

Also,

S. 24. To amend section 3237 of the civil code of 1907, providing for the times and places of holding circuit court in the seventh judicial circuit.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

H. 46. To establish an inferior court, in precincts 1, 2, 3, 4, 5, 6 and 7 in Montgomery county, Alabama, in lieu of all justices of the peace, in said precincts, and to define the jurisdiction and powers of said court, and the judge thereof, to provide for the execution of the process of said court and the operation thereof, to provide for the election, term of office, qualifications and compensation of the judge thereof, and to fix the compensation of the officers of said court, and the mode of their selection, and to abolish the office of justice of the peace in said precincts.

CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock m. having arrived, the Senate proceeded to consider the special order for this hour which is:

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a building commission for such purpose, and to make an annual appropriation for the maintenance of such residence.

Mr. Frazer moved to recommit said bill to the committee on Finance and Taxation.

Mr. Screws moved to lay Mr. Frazers motion on the table, which motion prevailed.

Yeas, 17; nays, 13.

Yeas:

Messrs.:	Godbold	Screws
Allen	Justice	Sherrod
Beasley	Lovelace	Stevens
Brown, C. W.	Merrill	Stokes
Espy	Moulthrop	Tunstall
Folmar	Renfro	Vaiden

—17

Nays:

Messrs.:	Frazer	Norman
Atkins	Kilby	Plowman
Crumpton	Miller	Sloan
Curry	Moody	Sprott
Fite	Nance	

—13

Mr. Frazer offered the following amendment:

By inserting therein in line 2 of section 5 of said bill the words "twenty-four hundred" in lieu of the words thirty-six hundred.

Which said amendment was on motion of Mr. Screws laid upon the table.

Yeas, 17; nays, 13.

Yeas :		
Messrs. :	Godbold	Screws
Allen	Justice	Sherrod
Beasley	Loveland	Stevens
Brown, C. W.	Merrill	Stokes
Espy	Moulthrop	Tunstall
Folmar	Renfro	Vaiden

—17

Nays :		
Messrs. :	Frazer	Norman
Atkins	Kilby	Plowman
Crumpton	Miller	Sloan
Curry	Moody	Sprott
Fite	Nance	

—13

Mr. Espey offered the following amendment to said bill, which was adopted to-wit :

Provided the maintenance herein provided for shall become available an and after the mansion shall have been occupied by the Governor, and that said annual maintenance is provided hereby only for the years 1911, 1912, 1913 and 1914, at the rate hereinabove specified.

Yeas, 29 ; nays, 0.

Yeas :		
Messrs. :	Justice	Plowman
Allen	Kilby	Renfro
Atkins	Loveland	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Curry	Moody	Sprott
Espy	Morrow	Stevens
Fite	Moulthrop	Stokes
Folmar	Nance	Tunstall
Godbold	Norman	Vaiden

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Nays—0.

And said bill as thus amended, was read a third time at length, and passed.

Yeas, 21 ; nays, 8.

Yeas:		
Messrs.:	Godbold	Renfro
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Stevens
Brown, C. W.	Merrill	Stokes
Curry	Morrow	Tunstall
Espy	Moulthrop	Vaiden
Folmar		

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Nays:		
Messrs.:	Miller	Norman
Crumpton	Moody	Plowman
Fite	Nance	Sprott

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REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on enrolled bills have examined the following:

S. 4. To amend sections 920 and 922 of the code of Alabama.

And find the same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The president of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from the committee on Enrolled bill.

The reading at length of said bill having been dispensed with by a two-thirds vote of a quorum of the Senate present.

JOINT CONVENTION FOR THE ELECTION OF UNITED STATES SENATOR.

The hour of two o'clock p. m. having arrived, when in pursuance of a joint resolution heretofore adopted, the Senate of Alabama should convene with the House of Representatives in joint convention in the hall of the House of Representatives for the purpose of ascertaining the result of the balloting on yesterday January 17, for a Senator to represent the State of Alabama in the Congress of the United States for the term beginning on the fourth day of March 1913, and in case no objection had been made to proceed with such election, the Senate met with the House in the hall of the House of Representatives.

The joint convention was called to order by the Lieutenant governor and presiding officer of the Senate, who directed the secretary of the Senate to call the roll of the Senate, whereupon the following Senators answered to their names, being a majority of the Senate of Alabama, viz:

Messrs.:	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Rogers
Brown, C. W.	Lovelace	Screws
Brown, W. T.	Merrill	Sherrod
Crumpton	Miller	Sprott
Curry	Moody	Stevens
Espy	Morrow	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

The Speaker of the House then directed the clerk of the House to call the roll of the House of Representatives, whereupon the following Representatives answered to their names, being a majority of the House of Representatives of Alabama, viz:



Messrs.	Lawler
Speaker	Lawson
Acker	Lee
Arnold	Letson
Avery	Long
Bell (Autauga)	Lloyd
Bell (Pickens)	Lumpkin
Brewer	Mathews
Brindley	Merrill
Brown (Pike)	Molton
Brown (Tuscaloosa)	McDonald
Burton	McGowen
Bush	McLendon
Butt	O'Neill
Capps	Page
Carroll	Parks
Chamberlain	Percy
Cranford	Pittman
Darden	Pitts
Dennis	Popwell
Doswell	Preston
Eastis	Pruett
Edmonds	Quin
Flanagan	Rice
Fletcher	Richeson
Fowlkes	Robertson
Fuquay	Rylance
Greene	Sanders.
Griffith	Smith
Hollis (Choctaw)	Strickland
Hood	Stollenwerck
Horton	Sturdivant
Huddleston	Sullivan
Jackson	Thomas
James	Twombly
Jenkins (Baldwin)	Waddell
Jenkins (Bullock)	Waits
Johnson (Marshall)	Walker
Jones	Whatley
Judge	Wheeless
Knight	Wilhite
Lane	Williams
Lavender	

The secretary of the Senate then proceeded to read the Journal of the Senate of yesterday, from which it appeared that Jno. H. Bankhead, of Walker county, Alabama, received 32 votes for senator to represent the State of Alabama in the Congress of the United States for the term beginning March 4th, 1913.

The clerk of the House of Representatives then proceeded to read the Journal of the House of Representatives of yesterday, from which it appeared that Jno. H. Bankhead of Walker county, Alabama, received 93 votes for senator to represent the State of Alabama in the Congress of the United States for the term beginning March 4th, 1913.

The president of the Senate then announced that Jno. H. Bankhead of Walker county, Alabama, having received a majority of all the votes cast in each House of the Legislature of Alabama for Senator to represent the State of Alabama in the Congress of the United States, for the term to begin March 4th, 1913, he declared him to be duly and constitutionally elected a senator from the State of Alabama to the Congress of the United States for the term to begin March 4th, 1913.

The Lieut. Governor and presiding officer of the Senate then announced that the purpose of the joint session of the two Houses having been accomplished, the same was dissolved, and the Senate repaired to its chamber.

ADJOURNMENT.

At 2:20 o'clock p. m. on motion of Mr. Renfro the Senate adjourned until 12 o'clock m. Friday January 20, 1911.

NINTH DAY.

Friday January 20, 1911.

Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Page of Wilcox.

ROLL CALL.

Present:

Mr. President and

Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

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JOURNAL.

On motion of Mr. Crumpton the reading of the Journal of yesterday was dispensed with and the same was approved.

ELECTION OF ENGROSSING CLERK.

A bill having been signed by the governor making the engrossing and enrolling clerk of the Senate two offices, and whereas, Mrs. M. V. Gessner having been acting in both capacities since the convening of the present Legislature, subject to the further orders of the

Senate; she was declared by the Senate to be the enrolling clerk thereof for the term prescribed by law under the terms of her election on the 10th, day of January, 1911.

The office of engrossing clerk being vacant Mr. Folmar of Crenshaw nominated Mr. D. A. McCall to be engrossing clerk of the Senate.

Those who voted for Mr. McCall are:

Messrs. :	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Kilby	Screws
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar	Plowman	

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Mr. McCall having received all the votes cast, being a majority of the Senate, Mr. McCall was declared by the president of the Senate duly and constitutionally elected engrossing clerk of the Senate for the term prescribed by law.

Mr. McCall then came forward and took the oath of office prescribed by the Constitution and laws of the State of Alabama.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Sprott, Hon. Walter Windham of Pickens and Hon. J. W. L. Smith were granted the privileges of the floor for today.

ORDER TO PRINT.

On motion of Mr. Kilby, 500 copies of
S. 18. To classify the cities of Alabama. To provide for the government of the cities of Alabama, and

the adoption thereof, in certain cases, by special election, additional to chapter 32 of the code of Alabama of 1907.

Was ordered printed for the use of the Senate.

On motion of Mr. Sprott, 500 copies

S. 65. To amend chapter fourteen (14) of the code of Alabama relative to dispensaries, and in doing so, to regulate and control the liquor traffic in said State.

Was ordered printed for the use of the Senate.

MESSAGE FROM THE GOVERNOR.

Chief Executive Department, Alabama.

Montgomery, Jan. 20, 1911.

To the Senate:

I am directed by the Governor to transmit to you the accompanying document.

Lee Cowart,
Private Secretary.

GOVERNOR'S MESSAGE.

On motion of Mr. Tunstall, the Legislative report of the university of Alabama, for the quadrennial period ending June 30, 1910, accompanying the foregoing message from the Governor, was read and referred to the committee on Education.

INTRODUCTION OF BILLS.

On a call of the Districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Moody:

S. 64. To provide for the better equipment and support of the university of Alabama, and to appropriate funds therefor.

By Mr. Moody:

S. 65. To amend chapter fourteen (14) of the code of Alabama relating to dispensaries, and, in doing so, to regulate and control the liquor traffic in said State.

Temperance.

By Mr. Beasley:

S. 66. To provide for the election of four county commissioners in Fayette county, Alabama, and to prescribe the manner of electing same.

Privileges and Elections.

With notice and proof as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its next session, which convenes on the 10th day of January, 1911, to enact a law in substance as follows:

AN ACT

To provide for the election of four county commissioners in Fayette county, Alabama, and to prescribe the manner of electing same.

Section 1. *Be it enacted by the Legislature of Alabama*, That at the general election in 1912, and every four years thereafter, the qualified electors of the second and fourth districts of Fayette county, Alabama, shall elect one county commissioner from each of the respective second and fourth districts, who shall be a bona fide resident of the district from which elected, and whose term of office shall be four years.

Sec. 2. That at the general election in 1914, and every four years thereafter, the qualified electors of the first and third districts of Fayette county, Alabama, shall elect one county commissioner from each of the respective first and third districts, who shall be bona fide resident of the districts from which elected, and whose term of office shall be for four years.

Sec. 3. That each qualified elector is entitled to vote for the commissioner in the districts only in which such elector resides.

Sec. 4. That all laws, local, general or special, in conflict with the provisions of this act are hereby repealed.

State of Alabama, }
 Fayette County. }

Personally appeared before me, E. P. Goodwin, judge of probate in and for said State and county, Turner A. Wilson, who being duly sworn according to law, deposes and says that he is the publisher of the Fayette Banner, a newspaper published in said county, and that the publication of a certain notice, a true copy of which is hereto affixed, has been in said newspaper for four weeks consecutively, to-wit: In the issues dated, December 29th, 1910, and January 5th, 12th and 19th, 1911.

T. A. Wilson,
 Editor Banner.

Subscribed and sworn to before me this 18th day of January, 1911.

E. P. Goodwin,
 Judge of Probate.

By Mr. Beasley:

S. 67. To amend section 5897 of the code of Alabama of 1907.

Revision of Laws.

By Mr. Sprott:

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

Judiciary.

By Mr. Lovelace:

S. 69. To provide for the preparation and distribution among the State and county officers of copies of official opinions rendered by the attorney general.

Revision of Laws.

By Mr. Lovelace:

S. 70. To authorize the several judges of probate of the State to make a condensed record of registered electors in their respective counties and to provide compensation for such service.

Privileges and elections.

By Mr. Lovelace:

- S. 71. To amend section 6701 of the code of 1907.
Revision of Laws.

By Mr. Godbold:

- S. 72. To authorize the institution of suits at law upon claims held to have been erroneously prosecuted in chancery.

Judiciary.

By Mr. Godbold:

- S. 73. To regulate the time of taking further proceedings in chancery causes after the filing of answers therein.

Judiciary.

By Mr. Godbold:

- S. 74. To amend section 2838 of the code of 1907.
Judiciary.

By Mr. Renfro:

- S. 75. To aid and encourage technical education in the State of Alabama, by providing increased facilities, buildings, and maintenance for the Alabama Polytechnic Institute.

Finance and Taxation.

By Mr. Screws:

- S. 76. To amend section 7162 of the code of Alabama.

Revision of Laws.

By Mr. Screws:

- S. 77. To amend section 6845 of the code of Alabama.

Revision of Laws.

By Mr. Screws:

- S. 78. To fix the salary of the reporter of the decisions of the supreme court of Alabama; to provide a stenographer for the reporter, and to fix the salary of such stenographer.

Finance and Taxation.

By Mr. Atkins:

- S. 79. To repeal section 6321 of the code of Alabama.

Revision of Laws.

By Mr. Stevens:

S. 80. To amend section 3047 of the code of 1907.
Judiciary.

By Mr. Stevens:

S. 81. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.
Privileges and Elections.

By Mr. Stevens:

S. 82. To amend section 365 of the code.
Privileges and Elections.

By Mr. Stevens:

S. 83. To amend section 3170 of the code of Alabama.
Judiciary.

By Mr. Stevens:

S. 84. To repeal section 3174 of the code of Alabama.
Judiciary.

By Mr. W. T. Brown (by request):

S. 85. To make appropriation for buildings, machinery, equipment and other necessary improvements at the Alabama industrial school for white boys.
Finance and Taxation.

By Mr. W. T. Brown (by request):

S. 86. To make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913, and 1914.
Finance and Taxation.

By Mr. Screws:

S. 87. To enforce better sanitary conditions in inns, hotels, and restaurants and establishments providing like accommodations for the traveling public, with respect to cooking and eating utensils, linens, beds, closets, toilet rooms, and the screening of kitchens and serving, or dining rooms; to define offenses for violations of this act, and to fix fines and punishment therefor.
Public Health.

REPORTS OF COMMITTEES.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee in session had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:
By Mr. Arnold (with amendment):

H. 64. To amend section 923 of the code of Alabama.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite (with amendment):

S. 6. To prohibit the issuing by any one of checks or orders upon banks or other persons, when the makers of such orders or checks have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

Also:

By Mr. Sprott:

S. 36. To amend section 2296 of the code of 1907.

Also:

By Mr. Sprott:

S. 38. To authorize the State to purchase the sixth volume of Mayfield's Digest of Alabama Reports.

Also:

By Mr. Screws:

S. 44. To amend section 6245 of the code, regulating appeals in habeas corpus cases.

Also:

By Mr. Renfro:

S. 47. To repeal sections 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661 of the code of Alabama.

Also:

By Mr. Fite:

S. 48. To repeal section 4484 of the code of Alabama of 1907.

Also:

By Mr. Fite:

S. 49. To amend section 4482 of the code of Alabama of 1907.

Also:

By Mr. Fite:

S. 60. To repeal sections 113, 114, 115, 116, 117, 118, 119, 120 and 6686 of the code of Alabama of 1907.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Screws:

S. 17. To amend section 770 of the code of Alabama of 1907.

Also:

By Mr. Sprott:

S. 51. To amend section 1216 of the code of Alabama.

Also:

By Mr. Crumpton:

S. 54. To amend section 341 of the code of Alabama of 1907.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sherrod:

S. 29. To regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County and repeal an act entitled "An act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free

public schools in Township 7, Range 9 West, in said County," approved December 11th, 1873, and to repeal an act entitled "An Act to amend an Act to regulate the disposition and management of the bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County," approved December 11th, 1873," approved February 18th, 1895.

Also:

By Mr. Sprott:

S. 33. To prohibit the manufacture for sale, the sale, lending, giving, bartering, exchanging, delivering, or otherwise disposing of spirituous, vinous, malt or other intoxicating liquors or beverages in Pickens county, Alabama.

Also:

By Mr. Sprott:

S. 35. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, or proprietary medicines, or alcoholic drinks in Sumter County, Alabama; provided, this act shall not prevent its use for religious or sacramental purposes; and to prohibit the bringing into said county by any person for the use of any person other than himself any such spirituous, vinous or malt liquors, intoxicating bitters, intoxicating beverages, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving orders for spirituous, vinous, or malt liquors, intoxicating beverages, bitters, cordials, or alcoholic drinks or intoxicating proprietary medicines in said county over any telegraph or telephone line and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, proprietary medicines, or alcoholic drinks to any point within this State, and to prohibit any person, firm or corporation in the State of Alabama from shipping into Sumter county from

any point in said State, spirituous, vinous or malt liquors, intoxicating bitters, beverages, cordials, proprietary medicines, or alcoholic drinks and to provide penalties for all such prohibited acts and to repeal all laws in conflict therewith.

Also:

By Mr. Plowman:

S. 40. To fix the salary of the judge of the city court of Talladega, for Talladega county, Alabama, and to provide for the manner of the payment of the same.

Also:

By Mr. Screws:

S. 45. To increase the salary of the solicitor of Montgomery county, from \$3,000.00 to \$4,200.00 annually.

Mr. Vaiden, chairman of the standing committee on Military reports that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vaiden:

S. 53. To change and regulate the appointment of the board of control of the Canebreak agricultural experiment station, to prescribe the authority and duties of the said board and to provide for the expenses of the said station.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Godbold:

S. 26. To amend section 28 of the code of Alabama.

Also:

By Mr. Sprott:

S. 37. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experi-

ments in the several counties of Alabama to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to ascertain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

Also:

By Mr. Nance (by request):

S. 59. To establish a State board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

ADVERSE REPORT.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report:

By Mr. Allen:

S. 10. To protect sheep and other stock in this State.

Also:

By Mr. Nance (by request):

S. 58. To provide for the appointment of a chemist and assistant chemists for the department of agriculture and industries, fix their salaries and provide for a laboratory.

Also:

By Mr. Allen:

S. 11. To amend sections 113, 114, 115, 116, 117, 118, 119, and 120 of the code of Alabama of 1907.

RESOLUTION.

Mr. Espey offered the following resolution:

S. J. R. 22. Resolved by the Senate the House concurring, that when the two houses of the Legislature adjourns today, they adjourn until 12 o'clock m. Tuesday Jan. 24th, 1911.

Which was read and referred to the Rules Committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown, and as amended as concurred in and adopted Senate Joint Resolution No. 14, Relative to the appointment of a Joint Committee for the purpose of considering the various forms of commission government.

Committee on part of House: Messrs. Percy, Smith, Bush, Brindley and Horton.

And return same herewith to the Senate.

W. F. Herbert,
Clerk of House.

HOUSE MESSAGE.

On motion of Mr. Screws, the Senate concurred in, and adopted the following amendment to S. J. R. 14, set out in foregoing message from the House to-wit:

Amend the fourth paragraph thereof by striking out the word "four" where the same occurs therein and insert in lieu thereof, the word "five."

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. Crumpton made the following report which was approved and adopted to-wit:

The committee on revision of the Journal, respectfully report that a careful examination has been made of the Journal of the Senate for the first, second, third, fourth, fifth, sixth, seventh and eighth days, and find that the same contains the entries and references thereto required by the Constitution and laws of Alabama.

W. C. Crumpton,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

By Mr. Stollenwerck:

H. J. R. 20. Be it resolved by the House of Representatives, the Senate concurring, that the clock in front of the dome of the State Capitol should be repaired and placed in running order, and the Governor is requested to instruct the custodian of the State Capitol to see that the intent of this resolution is carried out. And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall H. J. R. 20, set out in the foregoing message from the House was read and referred to the Rules Committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

By Mr. Stollenwerck:

H. J. R. 18. Be it resolved by the House, the Senate concurring, that a committee of three on the part of the House, and two on the part of the Senate be appointed to wait on the clergy of the city of Montgomery

and invite them to assist in opening the sessions of the House and Senate by prayer during the present assemblage.

Committee on part of the House, Messrs. Stollenwerck, Jones and Page, and sends same herewith to the Senate.

W. F. Herbert,
Clerk House of Representatives.

HOUSE MESSAGE.

H. J. R. 18. Set out in foregoing message from the House was read and referred to the committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested:

H. J. R. 8. Endorsing New Orleans as the logical point for the Worlds Panama Exposition in 1915.

W. F. Herbert,
Clerk.

SIGNING OF JOINT RESOLUTION.

The president of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above House Joint Resolution, the title of which is set out in the foregoing message from the House.

The reading at length of said resolution having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate Bill:

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a Building Commission for such purpose, and to make an annual appropriation for the maintenance of such residence.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

RESOLUTIONS.

Mr. Beasley offered the following Senate Joint Resolution :

SENATE JOINT RESOLUTION NO. 23.

Whereas, the Legislature of the State of Alabama, which is now in session is the Legislature chosen next preceding the expiration of the time for which the Hon. John Hollis Bankhead, was elected a senator to represent the State of Alabama, in the Congress of the United States :

Be it resolved by the Senate, the House of Representatives concurring, That the Senate and House of Representatives of the Legislature of Alabama, shall meet in their respective halls on Tuesday the 24th day of January, one thousand nine hundred and eleven, the same being the second Tuesday after the meeting and organization of said Legislature and that they proceed separately to vote for a Senator in Congress from the State of Alabama, for the term of six years, beginning on the 4th day of March, 1913, when the present term of the said John Hollis Bankhead, as such Senator from the State of Alabama, shall expire, such proceedings in either House to conform to the statutes of the United States providing for the election of Senators to the Congress of the United States.

And that on Wednesday, the 25th day of January, 1911, at the hour of 12 o'clock ,noon, the members of

the Senate and House of Representatives convene in joint assembly in the hall of the House of Representatives and then and there read the Journals of each House and declare the result so as to conform to the statutes of the United States.

Which, under a suspension of the Rules, was unanimously adopted.

Mr. W. T. Brown offered the following resolution:

S. R. 24. Be it resolved that all bills affecting schools and education in the Senate be referred to the education committee. Any bill heretofore assigned to other committees affecting education and schools be referred back to the education committee and the finance and taxation committee be requested to furnish to the education committee from time to time all the amount of all moneys that can be made available for educational purposes.

Which was read and referred to the Rules Committee.

Mr. Merrill offered the following resolution:

S. R. 25. Resolved by the Senate, that the door-keeper be instructed to furnish each senator with copies of all acts of the Legislature passed since the adoption of the code of 1907.

Which was read and referred to the committee on Rules.

BILLS ON THIRD READING.

The bill:

S. 9. Providing for the docketing of Lis Pendens and attachments against non-residents.

Was taken up.

Mr. Allen offered the following amendment thereto:

Amend section 2 by adding at the end of said section the following: "and for recording and indexing said memorandum the probate judge shall be entitled to a fee of twenty-five (25) cents."

Which was adopted.

Yeas, 30; nays 0.

Yeas :

Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Norman	Vaiden
Folmar		

—30

Nays—0

And said bill as thus amended was read a third time at length and passed.

Yeas, 27 ; nays, 0.

Yeas :

Messrs. :	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Plowman
Allen	Godbold	Rogers
Atkins	Justice	Sherrod
Beasley	Kilby	Sprott
Brown, C. W.	Merrill	Stevens
Brown, W. T.	Miller	Stokes
Crumpton	Moody	Tunstall
Espy	Moulthrop	Vaiden
Fite		

—27

Nays—0

The bill :

S. 12. To amend section 637 of the code of Alabama.

Was read a third time at length and passed, and ordered sent to the House without engrossment.

Yeas, 24 ; nays, 4.

Yeas :

Messrs. :	Atkins	Crumpton
Morrow, Pres. Pro tem	Beasley	Espy
Allen	Brown, C. W.	Fite

Folmar	Moody	Sherrod
Godbold	Norman	Stevens
Justice		Stokes
Kilby	Renfro	Tunstall
Merrill	Rogers	Vaiden
Miller	Screws	

—24

Nays:

Brown, W. T.	Frazer	Plowman
Moulthrop		

—4

REPORT FROM THE RULES COMMITTEE.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report.

By Mr. Allen:

Formally declaring the settled policy of the State of Alabama relative to vested interests of capital in the State of Alabama, present and prospective, whether domestic or foreign.

Be it resolved by the Senate, the House concurring:

First:—That whereas, by reason of legislation heretofore enacted in this State, an impression has been created in many quarters that capital invested in Alabama may not have the conservative safe-guards thrown around it that obtains in other sections of the country:

And whereas, this fact has been spread abroad by the public press of the country to the injury of the business interests of the State;

Now therefore—

Be it resolved, That it is hereby formally set forth and declared to be the settled and permanent policy of the State of Alabama, that property rights of every character, whether foreign or domestic shall be rigidly and scrupulously protected; that investors of capital whether money, mind or muscle, shall have thrown

around them the protection of wise and just laws, to that end that the great resources of mine, field and forest may be developed to their fullest scope and capacity and we invite all people to come and share the good things we have.

Which said report was concurred in and said resolution adopted.

BILLS ON THIRD READING RESUMED.

The bill:

S. 22. To amend sections 3134, 3135 and 3136 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs. :	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Kilby	Screws
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Espy	Norman	Tunstall
Fite	Plowman	Vaiden
Folmar		

—30

Nays—0.

The bill:

S. 24. To amend section 3237 of the civil code of 1907, providing for the times and places of holding circuit court in the seventh judicial circuit.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs. :	Beasley	Curry
Morrow, Pres. Pro tem	Brown, C. W.	Espy
Atkins	Crumpton	Fite

Folmar	Moulthrop	Sherrod
Frazer	Nance	Sloan
Godbold	Norman	Sprott
Kilby	Plowman	Stevens
Merrill	Renfro	Stokes
Miller	Rogers	Tunstall
Moody	Screws	Vaiden

—29

Nays—0

The bill:

H. 46. To establish an inferior court, in precincts 1, 2, 3, 4, 5, 6 and 7 in Montgomery county, Alabama, in lieu of all justices of the peace, in said precincts, and to define the jurisdiction and powers of said court, and the judge thereof, to provide for the execution of process of said court and the operation thereof, to provide for the election, term of office, qualifications and compensation of the judge thereof, and to fix the compensation of the officers of said court, and the mode of their selection, and to abolish the office of justice of the peace in said precincts.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs. :	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Atkins	Kilby	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Espy	Norman	Tunstall
Fite	Plowman	Vaiden
Folmar		

—30

Nays—0

INVITATION.

Mr. Stevens, of Mobile, extended to the Senate of Alabama, an invitation from the citizens of Mobile, to attend the Mardi Gras Carnival to be held in that city on the 26th, 27th and 28th days of February, 1911.

On motion of Mr. Screws a vote of thanks was tendered the senator from Mobile and the citizens of that city for the invitation.

RECESS.

At 1:30 o'clock p. m. on motion of Mr. Screws the Senate took a recess until 2:30 o'clock this afternoon.

AFTERNOON SESSION.

Friday January 20, 1911.

The Senate reassembled at 2:30 o'clock.

ROLL CALL.

The roll was called and a quorum of the Senate was present.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

By Mr. Merrill:

S. R. 26. Resolved by the Senate that the doorkeeper be instructed to furnish each senator with copies of all acts of the Legislature passed since the adoption of the code of 1907.

Which report and resolution was unanimously adopted by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 46. To establish an inferior court, in precincts 1, 2, 3, 4, 5, 6 and 7 in Montgomery county, Alabama, in lieu of all justices of the peace, in said precincts, and to define the jurisdiction and powers of said court, and the judge thereof, to provide for the execution of the process of said court and the operation thereof, to provide for the election, term of office, qualifications and compensation of the judge thereof and to fix the compensation of the officers of said court, and the mode of their selection, and to abolish the office of justice of the peace in said precincts.

W. F. Herbert,
Clerk.

SIGNING OF BILL.

The president of the Senate, in the presence of the Senate immediately after its title had been publicly read at length by the secretary, signed the above House Bill, the title of which is set out in the foregoing message from the House.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

Yeas, 31; nays, 0.

Yeas:

Messrs.:	Espy	Moulthrop
Morrow, Pres. Pro tem	Fite	Nance
Allen	Folmar	Norman
Atkins	Frazer	Plowman
Beasley	Godbold	Renfro
Brown, C. W.	Kilby	Rogers
Brown, W. T.	Merrill	Screws
Crumpton	Miller	Sherrod
Curry	Moody	Sloan

Sprott
Stevens

Stokes
Tunstall

Vaiden

—31

Nays—0.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. No. 23, relative to the election of a United States Senator for the term beginning on March 4th, 1913.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

REPORTS OF COMMITTEES.

Mr. Merrill, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the calendar, to-wit:

By Mr. Screws (with substitute):

S. 42. To amend section 7692 of the code of 1907.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Vaiden the privileges of the floor were extended to Judge W. H. Tayloe, of Uniontown.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 22, relative to adjournment until Tuesday Jan. 24th, at 12 o'clock, 1911.

And returns same to the senate.

W. F. Herbert,
Clerk.

ADJOURNMENT.

At 3:50 o'clock, on motion of Mr. Norman and in pursuance of the Senate Joint Resolution, the Senate adjourned until Tuesday January 24, 1911 at 12 o'clock m.

TENTH DAY.

Tuesday, January 24, 1911.

Senate met pursuant to adjournment.

PRAYER.

By Mr. Norman of the Senate.

ROLL CALL.

Mr. President, and

Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Brown, C. W.	Lovell	Sherrod
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Stevens
Curry	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Nance	Vaiden
Folmar	Norman	

—31.

JOURNAL.

On motion of Mr. Merrill the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Justice the privileges of the floor were extended to Messrs. M. L. Block of Crenshaw, and J. W. Strother, of Elmore.

LEAVE OF ABSENCE.

On motion of Mr. Plowman, Mr. Beasley was granted an indefinite leave of absence.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sherrod.

S. 88. To amend Section 3912 of the Code.

Revision of Laws.

By Mr. Sherrod.

S. 89. To amend Section 2486 of the Code.

Revision of Laws.

By Mr. Sherrod.

S. 90. To amend Section 3910 of the Code.

Revision of Laws.

By Mr. Sherrod.

S. 91. To repeal an act entitled an act to authorize the enforcement in the courts of this State, when jurisdiction of the defendant can be obtained in this State, of any cause of action arising in another State, which is enforceable in such other state, approved November 23, 1907.

Revision of Laws.

By Mr. Norman.

S. 92. To regulate and define what is known as the filler used in commercial fertilizers sold and manufactured in Alabama, giving the name of substance in pounds on each bag, or package, and provide penalty for the violation of the same.

Agriculture.

By Mr. Morrow.

S. 93. To amend sections 5253, 5254, 5255, 5258 and 5262 of the Code of Alabama of 1907, and to repeal Sections 5257, 5260 and 5261 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Morrow.

S. 94. To amend Section 1803 (3665) of the Code of Alabama.

Education.

By Mr. Sprott.

S. 95. To amend section 7083 of the Code of Alabama of 1907, also to repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, in which such stock are prohibited to run at large; to provide that all fines assessed shall be paid in money and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justice of the peace; to dispense with grand juries, and to provide for the prosecutions and convictions for violation of the terms of this act, under affidavit and warrant or information, and without indictment, approved August 19, 1909.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature to repeal an act entitled "An act to amend Section 7083 of the Code of Alabama of 1907," approved Aug. 26, 1909. Also to repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such live stock are prohibited by law to

run at large; to provide that all fines assessed shall be paid in money and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries; and to provide for prosecutions and convictions for violations of the terms of this act under affidavit and warrant or information, and without indictment," approved Aug. 19, 1909, so far as the same relates to Sumter county.

A. P. Scarborough.

State of Alabama, }
Sumter County. }

Personally appeared before me, P. B. Jarman, judge of the probate court in and for said State and county, C. H. Allen, who being duly sworn according to law deposes and says, that he is the publisher of the Sumter County Sun, a newspaper published in said county, and that the publication of a certain notice a true copy of which is hereto attached, has been in said newspaper for four consecutive weeks, to-wit: Dec. 8, 1910; Dec. 15, 1910; Dec. 22, 1910, and Dec. 29, 1910, and Jan. 5, 1911.

C. H. Allen.

Subscribed and sworn to before me this the 12th day of January, 1911.

P. B. Jarman,
Probate Judge, Sumter County.

By Mr. Vaiden.

S. 96. To make appropriations for the expenses of encampment, maneuvers and target practice of the Alabama National Guard for the years 1911, 1912, 1913, 1914.

Military.

By Mr. Godbold.

S. 97. To amend section 5329 of the code of 1907, so as to allow husband and wife and parent and child

to sue jointly in all actions ex delicto arising out of the same transaction and in such cases, that the issues may be determined separately by the jury and the proper judgment rendered by the court and the costs fairly apportioned.

Revision of Laws.

By Mr. Godbold.

S. 98. To amend Sections 6638 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Folmar.

S. 99. To provide for the regulation and licensing of dentists in the State of Alabama; to establish a board of dental examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

Public Health.

By Mr. Renfro:

S. 100. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

Banking.

By Mr. Screws.

S. 101. To amend section five hundred and sixty-one (561) of the Political Code of nineteen hundred and seven (1907).

Revision of Laws.

By Mr. Screws.

S. 102. To amend Section 731 of the Code.

Revision of Laws.

By Mr. Atkins.

S. 103. To authorize the court of county revenues of Dallas county, Alabama, to appropriate annually a sum not exceeding one thousand dollars to be used in purchasing books and maintaining a library in Selma, Alabama, for the benefit of the citizens of said county.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at its next session to enact a law, the substance of which, is to authorize and empower the court of revenues of Dallas county, Ala., to appropriate annually a sum not exceeding \$1,000.00 to be used in purchasing books and maintaining a public library in Selma, Ala., for the benefit of the citizens of said county.

(Signed) E. Lamar.

State of Alabama, }
County of Dallas. }

Before me, J. G. Converse, a notary public in and for said county and State, personally appeared Floyd Kinsey, who being first duly sworn, deposes and says that he is the proprietor and editor of the Selma Journal, that the above attached notice was published once a week for four consecutive weeks in said Selma Journal, a newspaper published in Dallas county, Alabama, on, to-wit: December 30, 1910; January 6th, 13th and 20th, 1911.

F. S. Kinsey.

Subscribed and sworn to before me this the 23rd day of January, 1911.

J. G. Converse,
Notary Public, Dallas County, Ala.

By Mr. Fite.

S. 104. To further define, regulate and determine who are entitled to instruction in the public schools of the State and punish violations thereof.

Education.

By Mr. Fite.

S. 105. To elect deputy solicitors to represent the State in county courts.

Judiciary.

By Mr. Merrill.

S. 106. To repeal an act "To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk. Approved August 26, 1909, General and Local Acts of the Special Session of 1909, and to provide for the transfer of witness fees paid into the State Treasury as provided by same.

Revision of Laws.

By Mr. Espy.

S. 107. To provide for the collecting, compiling and publishing of cotton statistics by and through the Department of Agriculture and Industries of Alabama, and to require ginners to take out and pay for license for ginning cotton, and to make reports concerning same, and to provide penalties for the violation of this act.

Agriculture.

By Mr. Espy.

S. 108. To amend Section 21 of the Code.

Agriculture.

By Mr. Espy.

S. 109. To amend Section 19 of the Code of 1907.

Agriculture.

ORDER TO PRINT.

On motion of Mr. Renfro, the secretary was instructed to have 1000 copies of:

S. 100. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise, banks and banking, and to punish certain prohibited acts, relating thereto. printed for use of the Senate.

ELECTION OF UNITED STATES SENATOR.

This being the second Tuesday after the meeting and organization of the Legislature of Alabama, for 1911, and pursuant to Senate resolutions heretofore adopted,

the hour of twelve o'clock m. having arrived, the Senate proceeded openly by a viva voce vote of every member present, in accordance with the United States statutes made and provided, to name one person for Senator from Alabama in the Congress of the United States of America, to succeed Senator John Hollis Bankhead, whose term expires on the fourth day of March, 1913.

Mr. Plowman placed in nomination for Senator in Congress for Alabama John Hollis Bankhead of Walker county, Alabama, to succeed himself, whose term of office expires March the fourth, 1913.

And on a call of the Senate those who voted for Mr. Bankhead are:

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Brown, W. T.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Stevens
Curry	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Nance	Vaiden
Folmar	Norman	

—31.

And the Lieutenant Governor and presiding officer of the Senate announced that John Hollis Bankhead had received 31 votes being a majority of the whole number cast in the Senate of Alabama to succeed himself, whose term expires on the 4th day of March, 1913.

BILL ON THIRD READING.

The Bill:

H. 64. To amend Section 923 of the Code of Alabama.

Was taken up. The following amendment offered by the committee:

Amend so as to read as follows:

Sec. 923. Subordinate employees of the Legislature. The subordinate employees of the Senate shall consist of a reading clerk to be appointed by the secretary with the approval of the President pro tem of the Senate, a comparing clerk, four pages, two messengers, committee clerks not exceeding fifteen in number and assistants to the secretary not exceeding fourteen in number at any one time, and assistant to the engrossing clerk, and enrolling clerk of the Senate not exceeding four each at any one time, two servants and one doorkeeper of the gallery. The subordinate employees of the House of Representatives shall consist of a reading clerk, six pages, three messengers, and committee clerks not exceeding fifteen in number, and clerical assistants to the clerk of the House not exceeding eleven in number at any one time, and clerical assistants to the enrolling clerk of the House not exceeding fifteen in number at any one time, clerical assistants to the engrossing clerk of the House not exceeding nine in number at any one time, two servants, and one doorkeeper of the gallery.

Was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Fite	Norman
Morrow, Pres. Pro tem	Folmar	Rogers
Allen	Frazer	Screws
Atkins	Godbold	Sherrod
Brown, C. W.	Justice	Sprott
Brown, W. T.	Kilby	Stokes
Crumpton	Merrill	Tunstall
Curry	Moody	Vaiden
Espy	Nance	

—25.

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Folmar	Rogers
Morrow, Pres. Pro tem	Frazer	Screws
Allen	Godbold	Sherrod
Atkins	Justice	Sloan
Brown, W. T.	Kilby	Sprott
Crumpton	Merrill	Stokes
Curry	Nance	Tunstall
Espy	Norman	Vaiden
Fite	Renfro	

—25.

Nays, 0.

The Bill:

S. 36. To amend Section 2296 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Frazer	Renfro
Allen	Godbold	Rogers
Atkins	Justice	Screws
Brown, W. T.	Kilby	Sherrod
Crumpton	Merrill	Sloan
Curry	Moody	Sprott
Espy	Norman	Stokes
Fite	Plowman	Vaiden
Folmar		

—24.

Nays, 0.

The Bill:

S. 38. To authorize the State to purchase the sixth volume of Mayfield's Digest of Alabama Reports.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Brown, C. W.	Curry
Allen	Brown, W. T.	Espy
Atkins	Crumpton	Fite

Folmar	Norman	Sloan
Frazer	Plowman	Sprott
Godbold	Renfro	Stevens
Kilby	Rogers	Stokes
Merrill	Screws	Tunstall
Moody	Sherrod	Vaiden

—26.

Nays, 0.

The Bill:

S. 44. To amend Section 6245 of the Code, regulating appeals in habeas corpus cases.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:	Frazer	Renfro
Allen	Godbold	Rogers
Atkins	Justice	Screws
Brown, C. W.	Kilby	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Moody	Sprott
Curry	Moulthrop	Stevens
Espy	Nance	Stokes
Fite	Norman	Tunstall
Folmar	Plowman	Vaiden

—29.

Nays, 0.

The Bill:

S. 6. To prohibit the issuing by any one of checks or orders upon banks, or other persons, when the makers of such orders or checks have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

Was taken up. The following amendment offered by the committee: "Amend, by inserting after the words "any one" where they first appear in the caption of the bill the following, "with the intent to injure or defraud." Amend by inserting after the words "person who," where the same first appears in the second line

of section one aforesaid, the following words: "with the intent to injure or defraud."

Was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Justice	Screws
Brown, C. W.	Kilby	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Moody	Sprott
Curry	Moulthrop	Stevens
Espy	Nance	Stokes
Fite	Norman	Vaiden
Folmar		

—27.

Nays, 0.

Mr. Morrow offered the following amendment:

Amend section one by inserting immediately after the words "shall not," where they first appear together in said section and insert the word "knowingly." Amend further said section one by striking out the words "twenty-four hours" where they appear together, and insert in lieu thereof the words "one week."

Amend caption and section one by adding immediately before the words "with the intent to injure or defraud," where said words appear together in said caption and said section one, the word "knowingly."

On motion of Mr. Morrow, the further consideration of said bill and pending amendments was made a special order for 12 o'clock M. tomorrow.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 54. To prohibit the running or operation of what is commonly known as a pool room, or billiard room,

box ball alley, ten pin alley, or any place where pool or billiards are played in Tallapoosa County, Alabama, outside of the limits and police jurisdiction of any incorporated city or town therein and to fix a punishment for a violation of the act.

And sends same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

Notice and proof H. 54.

State of Alabama }
Tallapoosa County. }

Before me, G. J. Sorrell, judge of probate, in and for said State and county, personally appeared T. T. McNelley, who being by me first duly sworn, says on oath that he is the printer and publisher of a weekly newspaper called the Tallapoosa Courier published weekly at Dadeville in said state and county, that the attached notice of intention to apply to the Legislature of Alabama for the passage of a local law for Tallapoosa county was published in said newspaper for four consecutive weeks beginning with the issue of December 8th, 1910, and ending with the issue of December 29th, 1910.

T. T. McNelley.

Subscribed and sworn to before me this 5th day of January, 1911.

G. J. Sorrell,
Judge of Probate, Tallapoosa Co., Ala.

NOTICE.

Notice is hereby given of intention to apply to the next Legislature of Alabama for the passage of a local law for Tallapoosa county, the substance of which is as follows:

An Act, To prohibit the running or operation of what is commonly known as a pool room, or billiard room, box ball alley, ten pin alley or any place where pool or billiards are played in Tallapoosa county outside of

the limits and police jurisdiction of any incorporated city or town therein and to fix a punishment for a violation of the act.

Section 1. *Be it enacted by the Legislature of Alabama*, That it shall be unlawful for any person, firm or corporation to run or operate what is commonly known as a pool room, billiard room, box ball alley, ten pin alley or any place where pool or billiards are played in Tallapoosa county outside of the limits and police jurisdiction of any incorporated city or town therein.

Sec. 2. That any person, firm or corporation violating the provision of section one of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than two hundred dollars, and may be also sentenced to hard labor for the county for not more than six months at the discretion of the judge trying the case.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

J. B. Rylance.

H. 57. To authorize the court of county commissioners of Tallapoosa county, Alabama, to borrow money not exceeding twenty thousand dollars and pay interest thereon.

And sends the same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama, }
Tallapoosa County. }

Before me, G. J. Sorrell, judge of probate, in and for said State and county, personally appeared T. T. McNelley, who being by me first duly sworn, says on oath, that he is the printer and publisher of a weekly newspaper called the Tallapoosa Courier, published at Dadeville in said county and State, that the attached notice of intention to apply to the Legislature of Alabama for the passage of a local law for Tallapoosa county was published in said newspaper for four consecu-

tive weeks beginning with the issue of December 8th, 1910, and ending with the issue of December 29th, 1910.

T. T. McNelley.

Subscribed and sworn to before me this 5th day of January, 1911.

G. J. Sorrell,
Judge of Probate, Tallapoosa county, Ala.

NOTICE.

Notice is hereby given of intention to apply to the next Legislature of Alabama for the passage of a local law for Tallapoosa county, the substance of which is as follows:

An Act, To authorize the court of county commissioners of Tallapoosa county to borrow money not exceeding twenty thousand dollars and pay interest thereon.

Section 1. *Be it enacted by the Legislature of Alabama*, That the court of county commissioners of Tallapoosa county be and is hereby authorized to borrow money and pay interest thereon and for such purpose to execute interest bearing promissory notes or interest bearing county warrants.

Sec. 2. That all laws and parts of laws both general and local in conflict with the provisions of act be and the same are hereby repealed.

J. B. Rylance.

H. 60. To require the treasurer of each incorporated city or town in Elmore County, Alabama, to make out and deliver to the publisher of a newspaper in such city or town for publication a statement showing the receipts and disbursements of such city or town during each quarter; to provide for the designation of the newspaper to which such statement shall be delivered for publication; to fix the compensation for such publication and to provide for the payment of the same out of any funds in the city or town treasury.

And sends the same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama at its next session :

AN ACT

To require the treasurer of each incorporated city or town in Elmore county, Alabama, to make out and deliver to the publisher of a newspaper in such city or town for publication a statement showing the receipts and disbursements of such city or town during each quarter; to provide for the designation of the newspaper to which such statement shall be delivered for publication; to fix the compensation for such publication and to provide for the payment of the same out of any funds in the city or town treasurer.

Section 1. *Be it enacted by the Legislature of Alabama,* That within ten days from the first day of April, 1911, and quarterly thereafter, the treasurer of each incorporated city or town in Elmore county, Alabama, shall make up a statement, under an appropriate caption, of all monies received by him for the use of said city or town during the preceding quarter showing the date, the amount, the person from whom and on what account received, and shall also include in said statement, under an appropriate caption, a list of the disbursements of said city or town during the preceding quarter showing the date and amount of each payment, to whom paid, and a clear and concise description of the character of the claim, and shall, within ten days, after the end of each quarter deliver such statement for publication to the publisher of the newspaper printed and published in said city or town, or, if more than one newspaper is printed and published in said city or town then to the publisher of such newspaper having the lar-

gest number of bona fide subscribers, designated as hereinafter set forth.

Sec. 2. If more than one newspaper is printed and published in said city or town, it shall be the duty of the city or town council at its first regular meeting after the approval of this act, and at its first regular meeting in each year thereafter, to ascertain which of said newspapers has the largest number of bona fide subscribers, and by order entered upon the minutes of such body, designate the same as the newspaper to which the statement prepared as set forth in the preceding section shall be delivered by said treasurer for publication.

Sec. 3. The publisher of such newspaper shall furnish to said treasurer a copy of the newspaper in which said statement is published and it shall be the duty of the treasurer to count the words in such statement, and to pay, on demand, said publisher for such publication at the rate of seventy-five cents for each one hundred words in said statement out of any funds in the city or town treasury.

State of Alabama, }
Elmore County. }

I, H. H. Golson, publisher of the Weekly Herald, a newspaper published at Wetumpka, in Elmore county, and State of Alabama, hereby certify that the attached notice was published in said newspaper for four consecutive weeks, beginning on Dec. 8th, 1910, and ending on Dec. 29th, 1910.

H. H. Golson,
Publisher Weekly Herald.

Sworn to and subscribed to before me this the 17th day of January, 1911.

M. D. Still,
Judge of Probate, Elmore County, Alabama.

H. 61. To require the Commissioners Court of Elmore County, Alabama, to publish the minutes of its proceedings at each regular, revenue, special and adjourned

term in the newspaper printed and published in said county having the largest number of bona fide subscribers; to require such court to designate such newspaper; to provide for the furnishing of copy to the publisher of such paper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

And sends the same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama at its next session:

AN ACT

To require the commissioners' court of Elmore county, Alabama, to publish the minutes of its proceedings at each regular, revenue, special and adjourned term in the newspaper printed and published in said county, having the largest number of bona fide subscribers; to require such court to designate such newspaper; to provide for the furnishing of copy to the publisher of such paper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

Section 1. *Be it enacted by the Legislature of Alabama,* That from and after the approval of this act the commissioners' court of Elmore county, Alabama, be required to publish the minutes of its proceedings at each regular, revenue, special and adjourned term in the newspaper printed and published in said county, having the largest number of bona fide subscribers and designated as set forth below.

Sec. 2. That at its first regular meeting after the approval of this act, and at its first regular meeting in each year thereafter, the commissioners' court of said

county shall determine the newspaper printed and published in said county having the largest number of bona fide subscribers and shall designate such paper as the one in which such publication shall be made.

Sec. 3. Immediately after the adjournment of each regular, revenue, special or adjourned term of the commissioners court of said county the judge of probate of said county, or, in case the court is held without the attendance of the judge of probate, the special clerk appointed for such term, shall furnish to the publisher of such newspaper a true copy of the minutes of the proceedings of said court at such term for publication.

Sec. 4. The publisher of such newspaper shall furnish to the treasurer of said county a copy of the newspaper in which such publication is made, and it shall be the duty of the treasurer to count the number of words in such minutes and to pay said publisher on demand for such publication at the rate of seventy-five cents per hundred words out of any funds in the county treasury; said treasurer shall also pay to the probate judge, or such clerk of said court, for furnishing said copy at the rate of fifteen cents per hundred words out of any funds in the county treasury.

State of Alabama, }
Elmore County. }

I, H. H. Golson, publisher of the Weekly Herald, a newspaper published at Wetumpka, in Elmore county, Alabama; hereby certify that the attached notice was published in said newspaper for four consecutive weeks, beginning on Dec. 8th, 1910, and ending on Dec. 29th, 1910.

H. H. Golson,
Publisher Weekly Herald.

Sworn to and subscribed to before me this the 7th day of January, 1911.

H. J. Lancaster,
Judge of Probate, Elmore County, Alabama.

H. 62. To require the board of education of Elmore County, Alabama, to publish the minutes of its proceedings at each regular, special, and adjourned term in the newspaper printed and published in said county, having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and publishing same.

And sends the same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama at its next session:

AN ACT.

To require the board of education of Elmore county, Alabama, to publish the minutes of its proceedings at each regular, special and adjourned term in the newspaper printed and published in said county having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

Section 1. *Be it enacted by the Legislature of Alabama*, That from and after the approval of this act, the board of education of Elmore county, Alabama, be required to publish the minutes of its proceedings at each regular, special and adjourned term in the newspaper printed and published in said county having the largest number of bona fide subscribers and designated as set forth below.

Sec. 2. That at its first regular meeting after the approval of this act, and at its first regular meeting in

each year thereafter, the said board shall determine the newspaper printed and published in said county having the largest number of bona fide subscribers and shall, by order entered upon the minutes of such body, designate such newspaper as the one in which such publication shall be made.

Sec. 3. Immediately after the adjournment of each regular, special or adjourned term of the board of education of said county the secretary of such board shall furnish to the publisher of said newspaper a true copy of the minutes of the proceedings of said board at such term for publication.

Sec. 4. The publisher of such newspaper shall furnish to the treasurer of said county a copy of the newspaper in which such publication is made and it shall be the duty of the treasurer to count the number of words in such minutes and to pay said publisher, on demand, for such publication at the rate of seventy-five cents per hundred words out of any funds in the county treasury; said treasurer shall also pay to the secretary of said board, for furnishing said copy at the rate of fifteen cents per hundred words out of any funds in the county treasury.

State of Alabama, }
Elmore County. }

I, H. H. Golson, publisher of the Weekly Herald, a newspaper published at Wetumpka in Elmore county, Alabama, hereby certify that the attached notice was published in said newspaper for four consecutive weeks, beginning on Dec. 8th, 1910, and ending on Dec. 29th, 1910.

H. H. Golson,
Publisher Weekly Herald.

Sworn to and subscribed to before me this the 7th day of January, 1911.

H. J. Lancaster,
Judge of Probate, Elmore County, Alabama.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing message were severally read one time and referred to appropriate standing committees as follows:

H. 54, 57, 60, 61 and 62 to Local Legislation.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 22. To amend sections 3134, 3135 and 3136 of the Code of Alabama of 1907.

S. 9. Providing for the docketing of lis pendens and attachments against non-residents.

S. 24. To amend section 3237 of the Civil Code of 1907. Providing for the times and places of holding circuit court in the seventh judicial circuit.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to the bill:

H. 64. To amend section 923 of the Code of Alabama.

W. F. Herbert,
Clerk.

ADJOURNMENT.

At 1:35 o'clock P. M. on motion of Mr. Sherrod the Senate adjourned until 11 o'clock tomorrow morning.

ELEVENTH DAY.

Wednesday, January 25, 1911.

The Senate met pursuant to adjournment.

PRAYER.

By Rev. Mr. Brewer of the city.

ROLL CALL.

Present,		
Mr. President and		
Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

—33.

JOURNAL.

On motion of Mr. Folmar the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Rev. Mr. Brewer of the city, and Hon. W. L. Matthews of Aniston for today.

ORDER TO PRINT.

On motion of Mr. Sprott the secretary was directed to have 1,000 additional copies of:

S. 65. To amend chapter fourteen (14) of the Code of Alabama relating to dispensaries, and, in doing so, to regulate and control the liquor traffic in said State. Printed for use of the Senate.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Norman.

S. 110. To prohibit the running or operating of what is known as pool rooms or billiard rooms at any place where pool or billiards are played for pay or profit in Alabama outside of limits of police jurisdiction of any incorporated town or city, and to fix a punishment for the same.

Revision of Laws.

By Mr. Moody.

S. 111. To regulate the practice of veterinary medicine and surgery in the State of Alabama.

Education.

By Mr. Morrow.

S. 112. To encourage the holding of the State, district and county fairs in Alabama by appropriating funds for payment of premiums for exhibits of agricultural products, live stock and poultry, and to provide a plan for awarding premiums and paying of the same by the State of Alabama, for the exhibit of agricultural products, live stock and poultry produced, raised or bred in the State of Alabama.

Finance and Taxation.

By Mr. Lovelace.

S. 113. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

Revision of Laws.

By Mr. Brown, W. T.

S. 114. To provide additional methods for describing lands by parts of sections in the various townships and ranges of the State.

Agriculture.

By Mr. Brown, W. T.

S. 115. To amend Section 3355 of the Code of Alabama (1907) and to require all conveyances of land to be recorded in the office of the judge of probate of the county in which the land conveyed, or any portion thereof lies.

Revision of Laws.

By Mr. Screws.

S. 116. To appropriate \$2,090.06 out of the State treasury in favor of the city of Montgomery for the pavement and improvement on Monroe street extending from Bainbridge street to Union street abutting the property known as the "State Capitol Grounds."

Finance and Taxation.

By Mr. Stevens.

S. 117. To establish a court of appeals for the State of Alabama.

Judiciary.

By Mr. Allen.

S. 118. Amending chapter 224, sections 6958 and 6964 of the Code of 1907.

Forestry, Conservation and Preservation of Game.

By Mr. Sherrod.

S. 119. To permit, regulate and restrict the sale or other disposition of alcoholic, vinous or malt liquors, or beverages, in Precincts one (1) and nineteen (19) in Morgan County, Alabama, by providing for an election in said Precincts to determine whether the sale or other disposition of such alcoholic, vinous or malt liquors, or beverages, shall be permitted, regulated and restricted therein.

Local Legislation.

With notice and proof as follows:

NOTICE.

That a local option bill will be introduced in the next Legislature. Notice is hereby given that a bill will be introduced in the next Legislature of Alabama to permit, regulate and restrict the sale or other disposition of alcoholic, vinous or malt liquors or beverages in precincts one (1) and nineteen (19) in Morgan county, Alabama, by providing for an election in said precincts to determine whether the sale or other disposition of such alcoholic, vinous or malt liquors or beverages shall be permitted, regulated and restricted therein.

A. G. Wilhite.

PROOF OF PUBLICATION.

State of Alabama, }
Morgan County. }

Before me, Melvin Hutson, a notary public in and for said State and county, personally appeared N. S. Zeigler, who being duly sworn deposes and says on oath, that he is the news editor of the New Decatur Advertiser, a newspaper published in New Decatur, in said county; and further, that the annexed advertisement of Local Option Bill was given publication in said newspaper for the period of four consecutive weeks, beginning December 29, 1910.

N. S. Zeigler.

Sworn and subscribed to before me, this 21st day of January, 1911.

Melvin Hutson,
Notary Public.

By Mr. Morrow.

S. 120. To amend section 1 of an act entitled an act "To provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office."

Local Legislation

With notice and proof as follows:

State of Alabama, }
Jefferson County. }

Before me, the undersigned authority in and for said State and county, personally appeared L. P. Hill, who being duly sworn according to law, upon oath says, that he is the city editor, and proprietor of the Ensley Enterprise, a weekly newspaper published in Jefferson county, Alabama, and that the following article was published in said The Ensley Enterprise for four consecutive weeks, namely, Saturday, December 10th, 1910; Saturday, December 17th, 1910; Saturday, December 24th, 1910, and Saturday, December 31st, 1910.

Notice is hereby given that at the next session of the Legislature of the State of Alabama the following will be presented for passage, to-wit:

AN ACT

To amend section 1 of an act entitled an act "To provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office," so as to read as follows:

Section 1. *Be it enacted by the General Assembly of Alabama,* That the office of auditor of Jefferson county be, and the same is, hereby created. That within ten days after the passage and approval of this act, the Governor shall appoint a person to perform the duties of said office, who shall be an expert accountant of known integrity and skill, a resident of said county, who has not within six years next preceding his appointment held any office subject to be examined or audited under this act. Said auditor shall hold his office until September 1st, 1912, or until his successor is elected and qualified. His successor shall be elected at the general election in 1912, as all other county officers are now elected, and shall hold his office for the term of

four years, or until his successor is elected and qualified. Said auditor shall receive as a salary the sum of eighteen hundred (\$1,800.00) dollars per annum, to be paid monthly by the county treasurer out of the general funds of the county. Said auditor shall be allowed eighteen hundred (\$1,800.00) dollars per annum for assistance in performing the duties of said office, the said sum to be paid in monthly installments by the county treasurer as the auditor may direct, out of the general funds of the county. Said auditor shall also, when directed by the Governor, examine any of the books of the county officials for the State, and for such services shall receive the same compensation as State examiners receive for similar services, to be paid upon the order of the Governor out of the general fund of the State. This section as amended shall go into effect immediately upon its passage and approval.

The following is section 1 as originally approved by the Legislature of the State of Alabama on January 25, 1899:

AN ACT

To provide for the creation of the Office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office.

Section 1. *Be it enacted by the General Assembly of Alabama*, That the office of auditor of Jefferson county be, and the same is, hereby created. That within ten days after the passage and approval of this act the Governor shall appoint a person to perform the duties of said office, who shall be an expert accountant of known integrity and skill, a resident of said county, who has not within six years next preceding his appointment held any office subject to be examined or audited under this act. Said auditor shall hold his office until September 1st, 1902, or until his successor is elected and qualified. His successor shall be elected at the general election in 1902, as all other county officers are

now elected, and shall hold his office for the term of four years, or until his successor is elected and qualified. Said auditor shall receive as a salary the sum of eighteen hundred (\$1,800.00) dollars per annum, to be paid monthly by the county treasurer out of the general fund of the county. Said auditor shall also, when directed by the governor, examine any of the books of the county officials for the State, and for such services shall receive the same compensation as State examiners receive for similar services, to be paid upon the order of the Governor out of the general fund of the State.

L. P. Hill.

Sworn to and subscribed before me, this January 18, 1911.

Kate Cooper,
Notary Public.

By Mr. Espy:

S. 121. To amend Sections 1861, 1862 and 1863 of the Code of 1907.

Education.

By Mr. Espy:

S. 122. To provide for further appropriations of the county high schools established, or to be established, under the provisions of Article 20 of the Code of 1907.

Finance and Taxation.

By Mr. Justice.

S. 123. To amend Section 733 of the Code of 1907.

Public Health.

By Mr. Justice.

S. 124. To amend sections 1626, 1637, 1638, 1639, and 1640 of the code of Alabama of 1907.

Public Health.

By Mr. Morrow.

S. 125. To amend Section 3394 of the Code of 1907.

Revision of Laws.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 64. To amend section 923 of the code of Alabama.

W. F. Herbert,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, immediately after it was publicly read at length by the secretary, signed the above House bill, the title of which is set out in the foregoing message from the House. The reading at length of said bill not having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 19. To amend Section 7276 of the Code.

H. 30. To regulate the business of buying or acquiring and disposing of junk, commonly known as "junk business" or "junk dealers."

H. 33. To establish a board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

H. 87. To amend Section 3798 of the Code of Alabama of 1907.

H. 28. To require notice of suits to enforce liens claimed under the mechanics and material men's lien law in all counties in the State of Alabama having over fifty thousand population according to the last Federal or State Census, to be filed and recorded in the probate office of the county wherein the claim for lien is filed.

And sends the same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing message were severally read once and referred to appropriate standing committees as follows:

H. 19, 87. To Revision of Laws.

H. 28, 30. To Judiciary.

H. 33. To Agriculture.

REPORTS OF COMMITTEES.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Sprott.

S. 34. For the relief of Walter D. Windham, Senior, of Pickens County. Whereas, Walter D. Windham, Senior, of Pickens County, Alabama, is the owner of two Alabama State Funding Bonds, numbered 467 and 470, of the face value of one thousand dollars (\$1,000.00) each; and, whereas, on or about the 30th day of December, 1907, the said bonds were lost, destroyed or stolen from the said Walter D. Windham, therefore.

Also:

By Mr. Sprott.

S. 95. To amend section 7083 of the Code of Alabama of 1907, also to repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, in which such stock are prohibited to run at large; to provide that all fines assessed shall be paid in money and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercis-

ing the powers of justice of the peace; to dispense with grand juries, and to provide for the prosecutions and convictions for violation of the terms of this act, under affidavit and warrant or information, and without indictment, approved August 19, 1909.

Also:

By Mr. Rylance (with amendment):

H. 54. To prohibit the running or operation of what is commonly known as a pool room, or billiard room, box ball alley, ten pin alley or any place where pool or billiards are played, in Tallapoosa County, Alabama, outside of the limits and police jurisdiction of any incorporated city or town therein and to fix a punishment for a violation of the act.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Fite (with amendment):

S. 7. Regulating the administration of estates in the Chancery Courts of this State, and conferring jurisdiction on said Courts in such proceedings to order a private sale of either real or personal property.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Lovelace.

S. 69. To provide for the preparation and distribution among the State and county officers of copies of official opinions rendered by the attorney general.

Also:

By Mr. Screws.

S. 77. To amend Section 6845 of the Code of Alabama.

Also:

By Mr. Beasley.

S. 67. To amend Section 5897 of the Code of Alabama of 1907.

Also:

By Mr. Sherrod.

S. 88. To amend Section 3912 of the Code.

Also:

By Mr. Sherrod.

S. 89. To amend Section 2486 of the Code.

Also:

By Mr. Sherrod.

S. 90. To amend Section 3910 of the Code.

Also:

By Mr. Godbold.

S. 98. To amend Section 6638 of the Code of Alabama of 1907.

Mr. Plowman, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Vaiden.

S. 31. To amend Sections 2106, 2155 and 2195 of the Code of Alabama.

Also:

By Mr. Plowman.

S. 30. To amend Sections 1996 and 2032 of the Code of Alabama.

ADVERSE REPORT.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report:

By Mr. Lovelace.

S. 71. To amend Section 6701 of the Code of 1907.

By Mr. Sherrod.

S. 91. To repeal an act entitled "An act to authorize the enforcement in the courts of this State, when jurisdiction of the defendant can be obtained in this State, of any cause of action arising in another State, which is enforceable in such other State," approved November 23, 1907.

RESOLUTIONS.

Mr. Vaiden offered the following joint resolution:

S. J. R. No. 27. Resolved by the Senate, the House concurring, that immediately after the business of the Joint Convention of the House and Senate today is concluded, that said convention hear an address from Dr. S. A. Knapp, head of the Bureau of Plant Industry, United States Department of Agriculture, on the subject of the Boll Weevil and other matters of interest to the farming industries in Alabama.

Which, under a suspension of the rules, was adopted.

Mr. W. T. Brown offered the following joint resolution:

S. J. R. No. 28. Be it resolved by the Senate, the House concurring, That both houses meet in session each day at 10 A. M. and adjourn at 1:30 o'clock P. M. until 3, and adjourn at 5 P. M., and that Mondays, Tuesdays, Thursdays and Fridays be days to be in session and Wednesdays and Saturdays be given over to committee work, except on Mondays to convene in session at 12 o'clock noon and adjourn at 4 P. M.

Which was read and referred to the committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in Senate Joint Resolution No. 9, and herewith returns same to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. Resolution relative to the hearing of Dr. S. A. Knapp.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 44. To amend Section 6245 of the Code, regulating appeals in habeas corpus cases.

S. 36. To amend section 2296 of the Code of 1907.

S. 38. To authorize the State to purchase the sixth volume of Mayfield's Digest of Alabama Reports.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate Joint Resolution:

S. J. R. 9. Formally declaring the settled policy of the State of Alabama relating to the vested interests of capital in the State of Alabama, present and prospective, whether domestic or foreign.

And find the same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, immediately after it had been publicly read at length by the secretary, signed the above Senate Joint

Resolution, the title of which is set out in the foregoing report from the committee on Enrolled Bills.

CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock M. having arrived, the Senate proceeded to consider the Special Order of the hour, which was:

S. 6. To prohibit the issuing by any one of checks or orders upon banks or other persons, when the makers of such orders or checks have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

Mr. Morrow withdraws the amendment offered by him on yesterday.

Mr. Fite then offered the following as a substitute for said bill.

Amend the bill so as to read as follows:

A bill to be entitled an act to prohibit anyone knowingly, and with the intent to injure or defraud, issuing checks or orders upon banks or other persons when the makers of such order or checks have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

Section 1. *Be it enacted by the Legislature of Alabama*, That any person who with the intent to injure or defraud, gives, makes or issues to another any draft, order or check either in his own behalf, or as agent for any person or persons, firm or corporation, upon any bank, banking house, person, firm, or corporation in payment for any money, goods, or chattel, lands or tenements, or other thing of value, the title or possession of which shall have been transferred upon the faith of the payment of such draft, order or check, knowing at the time that he had not sufficient money on deposit with such bank, banking house, person, firm or corporation to pay said draft, order or check, shall, upon conviction thereof, be punished as if he had stolen such money, goods, chattels, or other thing of value of the reasonable of such lands or tenements.

Sec. 2. That all laws, and parts of laws in conflict with the provisions of this act be, and the same hereby are, expressly repealed.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow, Pres. Pro tem	Frazer	Renfro
Beasley	Kilby	Rogers
Brown, C. W.	Merrill	Screws
Brown, W. T.	Miller	Sherrod
Crumpton	Moulthrop	Sloan
Curry	Nance	Sprott
Espy	Norman	Stokes
Fite		

—24.

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Plowman
Atkins	Godbold	Renfro
Beasley	Justice	Rogers
Brown, C. W.	Kilby	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Nance	Vaiden

—29.

Nays, 0.

BILLS ON THIRD READING.

The bill:

S. 47. To repeal sections 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow, Pres. Pro tem	Frazer	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stokes
Curry	Moulthrop	Tunstall
Espy	Nance	Vaiden
Fite	Norman	

—28.

Nays, 0.

The bill:

S. 49. To amend Section 4482 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Messrs.:	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Plowman
Atkins	Godbold	Renfro
Beasley	Justice	Rogers
Brown, C. W.	Kilby	Screws
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Nance	Vaiden

Yeas:

—29.

Nays, 0.

RECOMMITMENT OF BILL.

On motion of Mr. Morrow

S. 48. To repeal Section 4484 of the Code of Alabama of 1907.

Was recommitted to the committee on Judiciary.

JOINT CONVENTION FOR THE ELECTION OF UNITED STATES SENATOR.

The hour of twelve o'clock m. having arrived, when in pursuance of a joint resolution heretofore adopted, the Senate of Alabama should convene with the House of Representatives in joint convention in the hall of the House of Representatives for the purpose of ascertaining the result of the balloting on yesterday January 24, for a Senator to represent the State of Alabama in the Congress of the United States to succeed Senator John Hollis Bankhead, whose term expires on the fourth day of March 1913, and in case no objection has been made to proceed with such election, the Senate met with the House in the hall of the House of Representatives.

The joint convention was called to order by the Lieutenant governor and presiding officer of the Senate, who directed the secretary of the Senate to call the roll of the Senate, whereupon the following Senators answered to their names, being a majority of the Senate of Alabama, viz:

Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

—33.

The Speaker of the House then directed the clerk of the House to call the roll of the House of Representatives whereupon the following representatives answered to their names, being a majority of the House of Representatives of Alabama, vi.:

Messrs.	Johnson (Marshall)
Speaker	Jones
Acker	Judge
Arnold	Kilburn
Avery	Knight
Barnard	Lane
Bell (Autauga)	Lavender
Bell (Pickens)	Lawson
Brewer	Lee
Brindley	Letson
Boswell	Long
Brown (Pike)	Lloyd
Brown (Tuscaloosa)	Lumpkin
Burton	Martin (Calhoun)
Bush	Martin (Jackson)
Butt	Mastin
Capps	Mathews
Carroll	Merrill
Chamberlain	Merritt
Cranford	Milner
Darden	Molton
Dennis	Mulkey
Eastis	McCurdy
Edmonds	McDonald
Flanagan	McGowen
Fletcher	McLendon
Fowlkes	O'Neill
Fuquay	Overton
Gewin	Page
Greene	Pharr
Griffith	Pegram
Helms	Pittman
Hollis (Choctaw)	Popwell
Hollis (Walker)	Preston
Hood	Pruett
Horton	Quin
Huddleston	Ramsey
Jackson	Rice
James	Richeson
Jenkins (Baldwin)	Robertson
Jenkins (Bullock)	Rylance

Sanders.	Waddell
Smith	Waits
Strickland	Walden
Stollenwerck	Walker
Sturdivant	Whatley
Sullivan	Wheeless
Thomas	Wilbite
Twombly	Williams

—97.

The secretary of the Senate then proceeded to read the Journal of the Senate of yesterday, from which it appeared that Jno. H. Bankhead, of Walker county, Alabama, received 31 votes for senator to represent the State of Alabama in the Congress of the United States for the term beginning March 4th, 1913.

The clerk of the House of Representatives then proceeded to read the Journal of the House of Representatives of yesterday, from which it appeared that Jno. H. Bankhead of Walker county, Alabama, received 99 votes for senator to represent the State of Alabama in the Congress of the United States for the term beginning March 4th, 1913.

The Speaker of the House then announced that Jno. H. Bankhead of Walker county, Alabama, having received a majority of all the votes cast in each House of the Legislature of Alabama for Senator to represent the State of Alabama in the Congress of the United States to succeed himself, whose term expires on the 4th day of March 1913 he declared him to be duly and constitutionally elected a senator from the State of Alabama to the Congress of the United States for the term prescribed by law.

The President of the Senate then announced that the purpose of the joint session of the two houses having been accomplished, the same was dissolved and the Senate repaired to its chamber.

ADJOURNMENT.

At 1:50 o'clock P. M., on motion of Mr. Frazer, the Senate adjourned until 10:30 o'clock tomorrow morning.

TWELFTH DAY.

Thursday January 26th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Mr. Norman of the Senate.

ROLL CALL.

Present.

Mr. President and

Messrs.	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

—33

JOURNAL.

On motion of Mr. Folmar, the reading of the Journal of yesterday was dispensed with and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sherrod:

S. 126. To allow Courts of County Commissioners and Boards of Revenue of the several counties of the State to appropriate money out of the common county funds for the repayment of money actually spent by the Judges of Probate for postage stamps used for official business.

Finance and Taxation.

By Mr. Sherrod:

S. 127. To amend section four hundred and fifty (450) of the political code of nineteen hundred and seven (1907).

Privileges and Elections.

By Mr. Brown, C. W.:

S. 128. To amend section 6573 of the code of Alabama of 1907.

Revision of Laws.

By Mr. Kilby:

S. 129. To amend section 308 of the code.

Privileges and Elections.

By Mr. Kilby:

S. 130. To amend section 1251 of the code.

Municipalities and Municipal Organizations.

By Mr. Kilby:

S. 131. To provide regulations for the transportation of explosives by common carriers between points within the State of Alabama, and to provide penalties for the violation thereof.

Commerce and Common Carriers.

By Mr. Beasley:

S. 132. To refund to the Jasper Water, Light and Power Company thirty-five dollars, amount of excess license collected during the years 1904, 1905, 1906 and 1907.

Finance and Taxation

By Mr. Morrow:

S. 133. To create and establish the Juvenile Court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate in all cases of children under sixteen (16) years of age, for delinquent, indigent, neglected,

or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

Local Legislation.

With notice and proof, as follows:

NOTICE.

A bill will be introduced into the next legislature of the State of Alabama for passage to create a juvenile court for Jefferson county, Alabama; to establish and declare the jurisdiction thereof; to create the offices of judge, probation officer and clerk of said court; to define their powers and duties and fix their salaries and provide for the payment of same; to provide generally for the procedure of said court; to provide for appeals from the judgments of said court; to confer upon the judge of said court jurisdiction to entertain writs of habeas corpus in cases of juvenile delinquents under the age of 16 years in said county; to provide for the custody, support and protection of all delinquents and neglected children under 16 years of age; pending final determination of their cases, and to provide for the custody, control and support of said children after said cases have been finally adjudicated by said court.

Boys Club and Children's Aid Society.

Mrs. James Weatherly, President.

Mrs. W. L. Murdoch, Secretary.

State of Alabama, }
Jefferson County. }

Before me, the undersigned authority, personally appeared W. H. Jeffries, who is known to me, and who being first duly sworn, deposes and says as follows:

My name is W. H. Jeffries, and I am advertising manager of the Age-Herald Publishing Co., which publishes The Birmingham Age-Herald, and I hereby certify that the attached notice of a bill to be introduced into the next Legislature of the State of Alabama, for the creation of a juvenile court for Jefferson county, Alabama, signed by Boys' Club and Children's Aid Society, Mrs. James Weatherly, President, and Mrs. W. L. Murdoch, Secretary, was published in The Age-Herald, a newspaper published in Birmingham, Alabama, in the county of Jefferson, in said State, for four consecutive weeks, on the following dates, namely, December 25, 1910, January 1, 1911, January 8, 1911, and January 17, 1911, the same being without cost to the State.

This January 17, 1911.

W. H. Jeffries.

Sworn to and subscribed before me, this the 17th, day of January, 1911.

J. M. Bonner,
Notary Public.

By Mr. Morrow:

S. 134. To prohibit the selling or exhibiting for sale of any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another for the purpose of selling or exhibiting for sale any goods, wares, or merchandise, without the written consent of the owner of such private roads or lands.

Agriculture.

By Mr. Morrow:

S. 135. To fix the basis for the assessment of the value of property for the purpose of taxation.

Finance and Taxation.

By Mr. Sprott:

S. 136. To amend section 1993 of the Code of 1907.

Education.

By Mr. Curry:

S. 137. To amend section 6733 of the code of Alabama.

Forrestry Conservation and Preservation of Game.

By Mr. Curry:

S. 138. To amend section 17 of an act of the Legislature of Alabama, approved August 26, 1909, said act being entitled "An act to regulate the sale, giving away or any other disposition of drugs, medicines or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away or other disposition.

Public Health.

By Mr. Renfro:

S. 139. To amend section 5966 of the code of 1907 relating to the salary of the justices of the supreme court.

Judiciary.

By Mr. Stevens:

S. 140. To amend section 4494 of the code of Alabama of 1907.

Revision of Laws.

By Mr. Merrill:

S. 141. To provide for the appointment of railway policemen; to prescribe their duties and compensation.

Commerce and Common Carriers.

By Mr. Allen:

S. 142. To require the county court commissioners of each county in this State to have printed a map of the county and to keep the same at the office of the probate judge for free distribution.

County and County Boundaries.

By Mr. Espy:

S. 143. To authorize the making of contracts for the sale or manufacture of commercial fertilizers made under special formula between manufacturers or manipulators of fertilizers and users or consumers of the same.

Agriculture.

By Mr. Espy:

S. 144. To authorize the sale of Commercial fertilizers in bags, packages or barrels of the weight of one hundred pounds and to provide for the issuance of tags of the value of one and one-half cents each to be attached thereto.

Agriculture.

By Mr. Folmar:

S. 145. To establish a court of record of limited jurisdiction in Crenshaw county, Alabama, to be known as the "Crenshaw County Law Court," to create and define its jurisdiction and powers, and prescribe its rules of practice and procedure, and to provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court, and to provide for fees, commissions, fines, forfeitures, and grand and petit juries in said court, and to provide for the transfer of all cases undetermined on the docket of the county court of Crenshaw county, Alabama, and to transfer all cases which are undetermined that are on the dockets of the circuit court of Crenshaw county, Alabama, or that may hereafter be upon the dockets of the circuit court of Crenshaw county, Alabama, except capital cases, and except civil cases, wherein the amount involved exceeds two thousand dollars, and to provide for supplies for said court, and to repeal conflicting laws.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its next session which convenes in the city of Montgomery, on January 10, 1911, to enact a law in substance as follows:

To establish a court of record of limited jurisdiction in Crenshaw county, Alabama, to be known as the "Crenshaw County Law Court," to create and define its jurisdiction and powers, and to prescribe its rules of practice and procedure, and to provide for the selection of its officers, describe their powers, duties, compensation and term of office, fix the time of holding said court and to provide for fees, commissions, fines, forfeitures, and grand and petit juries in said court; and to provide for the transfer of all cases undetermined on the docket of the county court of Crenshaw county, Alabama, and to transfer all cases which are

undetermined that are on the dockets of the circuit court of Crenshaw county, Alabama, or that may hereafter be upon the dockets of the circuit court of Crenshaw county, Alabama, except capital cases, and except civil cases wherein the amount involved exceeds two thousand dollars, and to provide for supplies for said court and to repeal conflicting laws.

The foregoing is the substance of the law which it is intended to apply to the Legislature to enact:

AFFIDAVIT OF PUBLICATION.

I, Charles L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 22nd, 1910, and ending with the issue dated January 12th, 1911.

Charles L. Kettler.

Subscribed and sworn to before me this 12th day of January, 1911.

J. N. Pollard,
Register in Chancery.

By Mr. Vaiden:

S. 146. To amend section 7399 of the Cole.

Military.

REPORTS OF COMMITTEES.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Huddleston :

H. 61. To require the Commissioners' Court of Elmore county, Alabama, to publish the minutes of its proceedings at each regular, revenue, special and adjourned terms in the newspaper printed and published in said county having the largest number of bona fide subscribers; to require such court to designate such newspaper; to provide for the furnishing of copy to the publisher of such paper for publication and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

By Mr. Huddleston :

H. 62. To require the board of education of Elmore County, Alabama, to publish the minutes of its proceedings at each regular, special, and adjourned term in the newspaper printed and published in said county, having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and publishing same.

By Mr. Huddleston :

H. 60. To require the Treasurer of each incorporated city or town in Elmore county, Alabama, to make out and deliver to the publisher of a newspaper in such city or town for publication a statement showing the receipts and disbursements of such city or town during each quarter; to provide for the designation of the newspaper to which such statement shall be delivered for publication; to fix the compensation for such publication and to provide for the payment of the same out of any funds in the city or town treasury.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President :

The committee on Engrossed Bills have examined the following Senate Bills :

S. 47. To repeal sections 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661 of the Code of Alabama.

S. 49. To amend section 4482 of the Code of Alabama of 1907.

And find the same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 75. To amend section 6249 of the code of Alabama.

H. 76. To amend section 6 of an act approved August 26th, 1909, entitled An Act to provide for the appointment of an official stenographer for each of the circuit courts and of courts of like jurisdiction for which a stenographer is not now provided by law of the State of Alabama: To prescribe his duties, to fix his compensation and to provide for the payment of the same.

H. 118. To amend section 7162 of the code of Alabama.

H. 119. To amend section 7164 of the code of Alabama.

H. 124. To provide that any deed, mortgage or other conveyance of real property purporting on its face to have been executed in the name of any corporation, by any person as President, Vice President or Secretary of such corporation, shall, when attested or acknowledged, be prima facie evidence that said person was such officer of said corporation and was duly authorized by said corporation to execute such conveyance in its name.

H. 131. To amend section 2884 of the civil code of Alabama, relating to appeals in civil cases to the Supreme court of Alabama.

And sends same herewith to the Senate.

Also:

H. 93. To provide for the election of a county solicitor for Choctaw county, to define his duties and fix his compensation.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the convening session thereof in January, 1911, for the passage of an act providing for the election of a county solicitor for Choctaw county, defining his duties and fixing his compensation.

J. T. Hollis.

State of Alabama }
County of Choctaw. }

Before me, W. H. Lindsey, judge of the probate court of Choctaw county, Alabama, personally appeared R. N. Moody, who, first being duly sworn, saith upon oath that he is the editor and publisher of the Choctaw Advocate, a weekly newspaper published at Butler, Alabama, in the county of Choctaw, and that the foregoing and attached notice was published in the said Choctaw Advocate for four consecutive weeks, the first notice appearing November 30th, 1910, the second appearing December 7th, 1910, the third notice appearing December the 14th, 1910, and the fourth notice appearing December 21st, 1910.

R. N. Moody.

Subscribed and sworn to before me, this the 26th day of December, 1910.

W. H. Lindsey,
Judge Probate Court.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate standing committees as follows:

H. 75, 76, 118, 119, 124, 131. To Judiciary.

H. 93. To Local Legislation.

RECOMMITMENT OF BILL.

On motion of Mr. Sprott.

S. 51. To amend section 1216 of the code of Alabama.

On today's calendar, was recommitted to the committee on Revision of Laws.

COMMUNICATION.

Birmingham, Ala., January 17, 1911.
To Lieutenant Governor Seed,
Speaker of the Senate,
Montgomery, Alabama.

Dear Sir:

At a recent session of the Birmingham Pastor's Union composed of the pastors of the several denominations of Christian churches in the Birmingham Industrial District, the following resolutions was unanimously adopted, and asked to be respectfully presented to the members of your honorable body in open session by this committee whose names are hereunto attached:

"We, the members of the Birmingham Pastor's Union in open session, do most earnestly request that the members of the Senate of Alabama do allow the present State wide prohibition laws of Alabama to remain as they are, without amendment or repeal, believing that they have not yet anything like a fair trial in many places in Alabama, and that we appoint Rev. J. A. Bryan, Rev. Dr. J. D. Ray, and Rev. L. F. Whitten a committee to present this to your honorable body."

Very respectfully,

J. A. Bryan,
J. D. Ray,
L. F. Whitten.

The foregoing communication was read to the Senate, and it, with the accompanying document were referred to the committee on Temperance.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 73. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experiments in the several counties of Alabama, to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to ascertain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

H. 39. To declare the effect of the plea of the general issue in detinue suits.

H. 41. To amend section 3047 of the code of 1907.

And sends same herewith to the Senate.

Also:

H. 68. To provide for a deputy clerk for the city court of Mobile.

And sends the same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to convene in January, 1911, in Montgomery, Alabama, for the passage of

AN ACT

To provide for a deputy clerk of the city court of Mobile.

Section 1. *Be it enacted by the Legislature of Alabama*, That from and after the passage and approval of this act there shall be a deputy clerk of the city court of Mobile.

Sec. 2. Said deputy clerk shall be appointed by the clerk of the city court of Mobile and may be removed by him and another appointed whenever said clerk shall see fit.

Sec. 3. Said deputy clerk shall be paid a salary of one thousand dollars per annum, to be paid in equal monthly installments by the treasurer of Mobile county.

Sec. 4. The deputy clerk may as such deputy clerk transact the business which said clerk can now perform; such deputy clerk first taking the oath to support the constitution and laws of this State and faithfully to discharge the duties of deputy clerk.

Sec. 5. That on the appointment of said deputy clerk all fees in civil cases accruing to the clerk of the city court of Mobile shall be paid into the county treasury for the use of the county of Mobile.

The State of Alabama, }
Mobile County. }

Personally appeared before me, S. H. Smith, clerk of the circuit court of Mobile county, State of Alabama, M. P. Dowling, who being first duly sworn, states that he is the bookkeeper of the Item Publishing Company, that the notice attached hereto was regularly published once a week for four consecutive weeks, to-wit: December 8, 1910, December 15, 1910, December 22, 1910, December 29, 1910, in the Mobile Daily Item, a newspa-

per printed and published in the city and county of Mobile, and State of Alabama.

M. P. Dowling.

Sworn to and subscribed to before me this 30th day of December A. D., 1910.

S. H. Smith,
Clerk Circuit Court Mobile County, Ala.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate standing committees as follows:

H. 73. To Agriculture.

H. 39, 41, 68, To Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following House Joint Resolutions:

H. J. R. 29. Resolved by the House, the Senate concurring, That when the House and the Senate adjourned to-day the 26th, they each adjourned until Saturday January 28th, at 11 a. m.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, H. J. R. 29. set out in the foregoing message from the House, was read and referred to committee on Rules.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall from the committee on Rules, reported that said committee in session had acted upon H. J. R.

29 and ordered same returned to the Senate with a favorable report.

And upon motion of Mr. Frazer, said report was adopted and said Joint Resolution concurred in by the Senate.

ORDER TO PRINT.

On motion of Mr. Vaiden, the secretary was directed to have 1000 copies of

By Mr. Moulthrop:

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes; and to prevent the hiring of such convicts to private persons or to corporations; to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

Printed for the use of the Senate.

BILLS ON THIRD READING.

The bill:

S. 17. To amend section 770 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 24; nays, 3.

Yeas:

Messrs.	Folmar	Norman
Allen	Frazer	Renfro
Beasley	Godbold	Rogers
Brown, C. W.	Justice	Screws
Brown, W. T.	Kilby	Sherrod
Crumpton	Lovelace	Sprott
Curry	Merrill	Stokes
Espy	Miller	Vaiden
Fite		

—24

Nays:

Messrs. Morrow, Atkins, Moulthrop.—3.

The bill:

S. 54. To amend section 341 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 30; nays, 1.

Yeas:

Messrs.	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stokes
Curry	Nance	Tunstall
Espy	Norman	Vaiden
Folmar		

—30

Nays: Mr. Fite.—1.

The bill:

S. 29. To regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township Seven, Range Nine West, in said County and to repeal an act entitled, "An Act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township Seven, Range Nine West, in said county," approved December 11th, 1873, and to repeal an act entitled "An Act to amend an Act to regulate the disposition and management of the bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in township seven, range nine west, in said county, approved December 11th, 1873," approved February 18th, 1895.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas :

Messrs.	Fite	Nance
Morrow, Pres. Pro tem	Folmar	Plowman
Allen	Frazer	Renfro
Atkins	Godbold	Screws
Beasley	Justice	Sherrod
Brown, C. W.	Kilby	Sloan
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Tunstall
Espy	Moody	

—25

Nays—0.

The bill :

S. 40. To fix the salary of the judge of the city court of Talladega, for Talladega county, Alabama, and to provide for the manner of the payment of the same.

Was read a third time at length and passed.

Yeas, 25 ; nays, 6.

Yeas :

Messrs.	Folmar	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Kilby	Screws
Beasley	Lovell	Sprott
Brown, C. W.	Merrill	Stevens
Brown, W. T.	Moody	Stokes
Curry	Moulthrop	Tunstall
Espy	Nance	Vaiden
Fite	Norman	

—25

Nays :

Messrs. :	Justice	Rogers
Crumpton	Miller	Sloan
Frazer		

—6

The bill :

S. 45. To increase the salary of the solicitor of Montgomery county, from \$3,000.00 to \$4,200.00 annually.

Was read a third time at length and passed.
Yeas, 29; nays, 0.

Yeas:

Messrs.	Fite	Plowman
Morrow, Pres. Pro tem	Folmar	Renfro
Allen	Frazer	Rogers
Atkins	Kilby	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Espy	Norman	Vaiden

—29

Nays, 0.

The bill:

S. 53. To change and regulate the appointment of the board of control of the Canebrake Agricultural Experiment Station, to prescribe the authority and duties of the said board and to provide for the expenses of the said station.

Was read a third time at length and passed.

Yeas, 25; nays, 1.

Yeas:

Messrs.	Fite	Moulthrop
Morrow, Pres. Pro tem	Folmar	Plowman
Allen	Frazer	Rogers
Atkins	Godbold	Sherrod
Brown, C. W.	Justice	Sprott
Brown, W. T.	Kilby	Stevens
Crumpton	Lovlace	Stokes
Curry	Merrill	Vaiden
Espy	Moody	

—25

Nays: Mr. Norman.—1.

The bill:

S. 26. To amend section 28 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Plowman
Allen	Godbold	Rogers
Brown, C. W.	Kilby	Screws
Brown, W. T.	Lovelace	Sherrod
Crumpton	Merrill	Sloan
Curry	Miller	Sprott
Espy	Moody	Stokes
Fite	Nance	Vaiden

—26

Nays, 0.

The bill:

S. 37. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experiments in the several counties of Alabama to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to ascertain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.	Beasley	Brown, W. T.
Allen	Brown, C. W.	Curry

Espy	Moody	Sherrod
Fite	Moulthrop	Sloan
Folmar	Nance	Sprott
Kilby	Norman	Stokes
Lovelace	Rogers	Tunstall
Merrill	Screws	Vaiden
Miller		

—24

Nays, 0.

The bill:

S. 59. To establish a state board of agriculture to have supervision of funds approved by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

Was taken up.

The following amendment offered by the committee:

Amend section four by substituting the following therefor:

Section 4. That the funds appropriated by this act shall be paid out by the State treasurer as herein provided upon the approval and warrant of said board of agriculture.

Was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.	Frazer	Rogers
Allen	Godbold	Screws
Brown, C. W.	Kilby	Sprott
Brown, W. T.	Lovelace	Stevens
Curry	Merrill	Stokes
Espy	Moody	Tunstall
Fite	Nance	Vaiden
Folmar		

—21

Nays, 0.

On motion of Mr. Morrow, the further consideration of this bill was held up to await the arrival from the House, of a House bill on the same subject.

The bill:

S. 42. To amend section 7692 of the code of 1907.

Was taken up.

The following substitute offered by the committee on Commerce and Common Carriers:

SUBSTITUTE FOR SENATE BILL NO. 42.

A BILL.

To amend section 7692 of the code of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That section 7692 of the code of 1907, be amended so as to read as follows:

7692. Exemptions from the preceding section. The preceding section shall not apply to employees of carriers and their families, nor to sheriffs and their deputies, and officers of police departments in municipalities regularly organized under the laws of this State while traveling on official business, provided that the request for such transportation shall come from the sheriff or chief of police of their respective departments, nor the widows and dependent children of deceased employees, nor to employees who have retired from active service by reason of age or physical infirmities and their wives and dependent children of the latter, nor to officers or agents, surgeons, physicians, and attorneys at law of such carriers and the immediate families of such persons, to ministers of religion, traveling secretaries of the young men's christian association and the young woman's christian association, inmates of hospitals and charitable eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies and hospitals and the necessary agents employed in such transportation; to the inmates of the National Home or State Home for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter, and those returning home from discharge, and boards of managers of such homes, to

necessary care takers of live stock, poultry and fruit, to employees on sleeping cars and express cars and to linemen of telegraph and telephone companies, to railway mail service employees, postoffice inspectors, custom inspectors, and immigration inspectors, to news boys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in wrecks where being transported from the place of injury to their homes and places for treatment, and for physicians and nurses attending such persons, and members of the railroad commission of Alabama and employees of such commission when traveling on official business only, but this provision shall not be construed to prohibit the interchange of passage for the officers, agents, and employees of carriers and their immediate families, nor prohibit any carrier from carrying passengers free with the object providing relief in cases of general epidemic, pestilence, other calamitous visitation, or to prohibit any railroad or common carrier from issuing transportation to the owners or publishers of newspapers and periodicals, their agents, employees or representatives in payment for advertisements of such railroad or common carrier published or contracted to be published in said newspapers and periodicals.

Was adopted.

Yeas, 17; nays, 16.

Yeas:

Messrs.	Brown, W. T.	Screws
Morrow, Pres. Pro tem	Curry	Sherrod
Allen	Godbold	Sloan
Atkins	Merrill	Sprott
Beasley	Plowman	Tunstall
Brown, C. W.	Rogers	Vaiden

—17

Nays:

Messrs.:	Folmar	Lovelace
Crumpton	Frazer	Miller
Espy	Justice	Moody
Fite	Kilby	Moulthrop

Nance	Renfro	Stokes
Norman	Stevens	

—16

And said bill as thus amended, was read a third time at length and passed.

Yeas, 18; nays, 15.

Yeas:

Messrs.:	Curry	Screws
Morrow, Pres. Pro tem	Godbold	Sherrod
Allen	Merrill	Sloan
Atkins	Norman	Sprott
Beasley	Plowman	Tunstall
Brown, C. W.	Rogers	Vaiden
Brown, W. T.		

—18

Nays:

Messrs.:	Justice	Moulthrop
Crumpton	Kilby	Nance
Espy	Lovelace	Renfro
Fite	Miller	Stevens
Folmar	Moody	Stokes
Frazer		

—15

The bill:

S. 34. For the relief of Walter D. Windham, Senior, of Pickens county.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Rogers
Beasley	Justice	Screws
Brown, C. W.	Kilby	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Nance	Vaiden
Folmar	Norman	

—28

Nays, 0.

ADJOURNMENT.

At 1:45 o'clock p. m. on motion of Mr. Moulthrop and in pursuance of the House Joint Resolution heretofore adopted the Senate adjourned until 11 o'clock a. m. Saturday, January 28th, 1911.

THIRTEENTH DAY.

Saturday January 28, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Chilton, of the city.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

—33

JOURNAL.

On motion of Mr. Frazer, the reading of the Journal of yesterday was dispensed with, and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sprott:

S. 147. To amend section 2017, 2023 of the code of Alabama of 1907.

Finance and Taxation.

By Mr. Moulthrop:

S. 148. To ratify, confirm, and validate the census of the cities and towns in the State of Alabama, where the same has been taken as provided by the code of Alabama, of 1907, and the report of the same, filed in the office of the secretary of State.

Municipalities and Municipal Organizations.

By Mr. Moulthrop:

S. 149. To ratify, confirm and validate, all ordinances, resolutions, and laws, theretofore passed by the city and town councils of the several municipalities in the State of Alabama, and to ratify, confirm and validate all ordinances and laws heretofore printed in book and pamphlet form by authority of the councils of the municipalities in the State of Alabama, and to provide for their reception as such ordinances and laws in the courts of Alabama.

Municipalities and Municipal Organizations.

By Mr. Moulthrop:

S. 150. To ratify, confirm, and validate the organization of every municipal corporation in the State of Alabama, as they now exist.

Municipalities and Municipal Organizations.

By Mr. Frazer:

S. 151. To regulate and define the practice of optometry in the State of Alabama, and to provide for a State board of examination and registration and to prescribe their duties.

Public Health.

By Mr. Screws:

S. 152. To repeal section 6565 of the code of Alabama of 1907.

Revision of Laws.

By Mr. W. T. Brown:

S. 153. To create and establish a school of industry and technology for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of the "Industrial and Technological Institute of Alabama," with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons, to create a board of control composed of five persons which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest, or otherwise any real or personal property, or both, for the benefit of such school and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

Education.

With notice and proof as follows:

State of Alabama, }
St. Clair County. }

Personally appeared before me H. F. Reese, Jr., a notary public in and for the State of Alabama, Edwin E. Kersh, who being duly sworn, states that he is the publisher of the St. Clair County News, a newspaper published at Ragland, Ala., and that the attached notice was published for four consecutive weeks in the said newspaper.

NOTICE.

A bill will be introduced in the next Legislature of Alabama, in substance as shown by the following caption to wit:

To be entitled an act to create and establish a school of industry and technology for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences to provide skill labor in this state and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition and to incorporate such institution under the name of Southern Industrial technological Institute of Alabama with perpetual succession to have a corporate seal, and to sue and to be sued in the courts of this state of competent jurisdiction as in cases of natural persons, to create a board of control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property or both for the benefit of such school and with the authority to dispose of the same or any part thereof and to authorize an appropriation by the State to aid in the erecting of suitable school building and equipment, and with power to give or grant to students certificates of proficiency in their studies and diplomas.

Signed. Edwin E. Kersh.

H. F. Reese, Jr.
Notary Public.

By Mr. Kilby:

S. 154. To fix the maximum amount of license and privilege taxes and other charges for the privilege of doing business to be imposed, levied or collected by municipal corporations on or from domestic fire insurance companies doing business in such municipal corporations.

Insurance.

By Mr. Kilby:

S. 155. To amend section 5144 of the code. (Making Good Friday a holiday.)

Revision of Laws.

By Mr. Atkins:

S. 156. To appropriate the sum of two thousand dollars upon certain conditions to the Ladies Memorial Association of Selma, Alabama, for the purpose of aiding said association to erect a memorial to the Honorables John Tyler Morgan and Edmund Winston Pettus, late United States Senators of Alabama.

Finance and Taxation.

By Mr. Atkins:

S. 157. To amend section 6321 of the code of Alabama of 1907.

Judiciary.

By Mr. Atkins:

S. 158. To amend section 1457 of the code of Alabama of 1907.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 125. To amend section 3394 of the code of 1907.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to wit:

By Mr. Fite (with amendment):

S. 20. To amend section 3164 of the code of Alabama of 1907.

By Mr. Fite (with amendment) :

S. 21. To amend an act approved August 25, 1909, entitled "An Act to amend section 5231 of the code of Alabama of 1907.

By Mr. Stevens:

S. 80. To amend section 3047 of the code of 1907.

By Mr. Stevens:

S. 84. To repeal section 3174 of the code of Alabama.

By Mr. Stevens:

S. 117. To establish a court of appeals for the State of Alabama.

By Mr. Sprott:

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

By Mr. Stevens (with amendment) :

S. 62. To provide a limitation in which proceedings to charge lands for the payment of debts of a decedent must be instituted, so far as the same applies to the rights of bona fide purchasers for value from the heir, or devisee.

By Mr. Stevens (with amendment) :

S. 63. To provide a proceeding to establish heirship and to declare the effect of such proceedings.

Mr. Merrill, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

S. 141. To provide for the appointment of railway policemen; to prescribe their duties and compensation.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Espy :

S. 107. To provide for the collecting, compiling and publishing of cotton statistics by and through the department of Agriculture and industries of Alabama, and to require ginners to take out and pay for license for ginning cotton, and to make reports concerning same, and to provide penalties for the violation of this act.

By Mr. Espy (with amendment) :

S. 108. To amend section 21 of the code.

By Mr. Espy :

S. 109. To amend section 19 of the code of 1907.

By Mr. W. T. Brown :

S. 114. To provide additional methods for describing lands by parts of sections in the various townships and ranges of the State.

By Mr. Espy :

S. 143. To authorize the making of contracts for the sale or manufacture of commercial fertilizers made under special formula between manufacturers or manipulators of fertilizer and users or consumers of the same.

By Mr. Lane (with amendment) :

H. 33. To establish a board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

By Mr. Lavender :

H. 73. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experiments in the several counties of Alabama, to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to as-

certain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

ADVERSE REPORT.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report.

By Mr. Kilby :

S. 50. To perpetuate the United States Government Land Surveys and to establish a uniform system of marking land corners in the State of Alabama.

By Mr. Norman :

S. 92. To regulate and define what is known as the filler used in commercial fertilizers, sold and manufactured in Alabama, giving the name of substance in pounds on each bag, or package, and provide penalty for the violation of the same.

By Mr. Morrow :

S. 134. To prohibit the selling or exhibiting for sale of any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another for the purpose of selling or exhibiting for sale any goods, wares or merchandise, without the written consent of the owner of such private roads or lands.

Mr. Justice, chairman of the standing committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Screws:

S. 87. To enforce better sanitary conditions in inns, hotels, and restaurants and establishments providing like accommodations for the traveling public, with respect to cooking and eating utensils, linens, beds, closets, toilet rooms, and the screening of kitchens and serving, or dining rooms; to define offenses for violations of this act, and to fix fines and punishment therefor.

By Mr. Justice:

S. 123. To amend section 733 of the code of 1907.

By Mr. Justice:

S. 124. To amend sections 1626, 1637, 1638, 1639 and 1640 of the code of Alabama of 1907.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills: .

H. 108. To amend section 3418 of the code of Alabama.

H. 111. To further regulate the usurious lending of money in Alabama, and to prescribe the penalty where more than two per cent per month is exacted.

H. 129. To define the crime of burglary in the first degree and to prescribe the punishment therefor.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 108. To Revision of Laws.

H. 111. To Insurance.

H. 129. To Penitentiary, Prisons and Punishment.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

The bill:

S. 37. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experiments in the several counties of Alabama to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to ascertain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

S. 6. To prohibit any one knowingly and with the intent to injure or defraud issuing checks or orders upon banks or other persons, when the makers of such order or checks have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

S. 53. To change and regulate the appointment of the Board of Control of the Canebrake Agricultural Experiment Station, to prescribe the authority and duties of the said board and to provide for the expenses of the said station.

S. 26. To amend section 28 of the code of Alabama.

S. 42. To amend section 7692 of the code of 1907.

S. 54. To amend section 341 of the code of Alabama of 1907.

S. 40. To fix the salary of the judge of the city court of Talladega, for Talladega county, Alabama, and to provide for the manner of the payment of the same.

S. 17. To amend Section 770 of the Code of Alabama of 1907.

S. 45. To increase the salary of the solicitor of Montgomery county, from \$3,000.00 to \$4,200.00 annually.

S. 29. To regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County and repeal an act entitled "An act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County," approved December 11th, 1873, and to repeal an act entitled "An Act to amend an Act to regulate the disposition and management of the bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County," approved December 11th, 1873," approved February 18th, 1895.

S. 34. For the relief of Walter D. Windham, Senior, of Pickens county.

And find same correctly engrossed.

M. H. Screws,
Acting Chairman.

BILLS ON THIRD READING.

The Bill:

S. 69. To provide for the preparation and distribution among the State and county officers of copies of official opinions rendered by the Attorney General.

Was read a third time, at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Beasley	Folmar
Morrow, Pres. Pro tem	Brown, C. W.	Frazer
Allen	Brown, W. T.	Godbold
Atkins	Fite	Justice

Kilby	Moulthrop	Sprott
Lovelace	Nance	Stevens
Merrill	Plowman	Vaiden
Miller	Screws	

—22

Nays, 0.

The Bill:

H. 54. To prohibit the running or operation of what is commonly known as a pool room, or billiard room, box ball alley, ten pin alley or any place where pool or billiards are played, in Tallapoosa County, Alabama, outside of the limits and police jurisdiction of any incorporated city or town therein and to fix a punishment for a violation of the act.

Was taken up.

The following amendment offered by the committee:

Amend by inserting the words "Beat 12 and" after the words "outside of" in the second line of the title to the bill.

Also amend by inserting the words "Beat 12 and" after the words "outside of" in the third line of section 1 of the act.

Was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Atkins	Godbold	Screws
Beasley	Justice	Sprott
Brown, C. W.	Lovelace	Stevens
Brown, W. T.	Merrill	Stokes
Espy	Miller	Tunstall
Fite	Moody	Vaiden
Folmar	Nance	

—22

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Allen	Justice	Rogers
Atkins	Merrill	Screws
Beasley	Miller	Sloan
Brown, C. W.	Moody	Sprott
Brown, W. T.	Moulthrop	Stevens
Fite	Nance	Tunstall
Folmar	Norman	Vaiden
Frazer		

—24

Nays, 0.

The Bill:

S. 95. To amend section 7083 of the Code of Alabama of 1907, also to repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, in which such stock are prohibited to run at large; to provide that all fines assessed shall be paid in money and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justice of the peace; to dispense with grand juries, and to provide for the prosecutions and convictions for violation of the terms of this act, under affidavit and warrant or information, and without indictment, approved August 19, 1909.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow, Pres. Pro tem	Frazer	Screws
Allen	Justice	Sprott
Atkins	Merrill	Stevens
Brown, C. W.	Miller	Tunstall
Brown, W. T.	Moulthrop	Vaiden
Fite	Nance	

—19

Nays, 0.

The Bill:

S. 67. To amend Section 5897 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Allen	Frazer	Plowman
Atkins	Godbold	Rogers
Beasley	Merrill	Screws
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moody	Vaiden
Fite		

—18

Nays, 0.

The Bill:

S. 98. To amend Section 6638 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 17; Nays, 1.

—17

Yeas:

Messrs.:	Frazer	Plowman
Morrow Pres.Pro tem	Godbold	Rogers
Atkins	Merrill	Screws
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moody	Stevens
Folmar	Moulthrop	Vaiden

—17

Nays: Mr. Fite.—1.

The Bill:

S. 31. To amend Sections 2106, 2155 and 2195 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Atkins	Brown, W. T.
Morrow Pres.Pro tem	Beasley	Fite
Allen	Brown, C. W.	Frazer

Godbold	Nance	Sprott
Merrill	Plowman	Stevens
Miller	Rogers	Tunstall
Moody	Sloan	Vaiden

—20

Nays, 0.

The Bill:

S. 30. To amend sections 1996 and 2032 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 18; nays, 1.

Yeas:

Messrs.:	Folmar	Plowman
Allen	Godbold	Rogers
Atkins	Justice	Sloan
Beasley	Miller	Sprott
Brown, C. W.	Moody	Tunstall
Brown, W. T.	Moulthrop	Vaiden
Fite		

—18

Nays: Mr. Frazer.—1.

The Bill:

S. 77. To amend Section 6845 of the Code of Alabama.

Was taken up.

The following amendment offered by the committee:

Amend by adding at the end thereof the following: and any person who with the intent to injure or defraud his landlord, enters into any contract in writing for the rent of land, and thereby obtains money or other personal property from such landlord, and with like intent, without cause, and without refunding such money, refuses or fails to cultivate such land or to comply with his contract relative thereto, must, on conviction be punished by a fine of not more than three hundred dollars.

Was adopted.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Folmar	Moulthrop
Morrow Pres.Pro tem	Frazer	Nance
Allen	Godbold	Screws
Atkins	Justice	Sprott
Beasley	Kilby	Stevens
Brown, C. W.	Merrill	Tunstall
Brown, W. T.	Miller	Vaiden
Fite		

—21

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 21, Nays, 0.

Yeas:

Messrs.:	Folmar	Moulthrop
Morrow, Pres.Pro tem	Frazer	Plowman
Allen	Godbold	Screws
Atkins	Justice	Sherrod
Beasley	Kilby	Sprott
Brown, C. W.	Merrill	Stevens
Brown, W. T.	Miller	Vaiden
Fite		

—21

Nays, 0.

The Bill:

S. 7. Regulating the administration of estates in the chancery courts of this State, and conferring jurisdiction on said courts in such proceedings to order a private sale of either real or personal property.

Was taken up.

The following amendment offered by the committee on Judiciary:

A BILL

To be entitled an act regulating the administration of estates in the chancery courts and courts of like jurisdiction in this State, and conferring jurisdiction

tion on said courts in such proceedings, and on application of an administrator or executor in any administration, to order a private sale of either real or personal property.

Section 1. *Be it enacted by the Legislature of Alabama*, That in the administration of estates in the Chancery Courts or courts of like jurisdiction in this State such courts of chancery or courts of like jurisdiction, in the exercise of such jurisdiction, shall proceed according to their own rules and practice, without regard to any of the statutory requirements provided for administration of estates in the probate courts; and in such proceedings said courts of chancery or courts of like jurisdiction shall have full and complete power to order a private sale of either real or personal property, or any part or parcel of such real or personal property, and a private sale or release of equities or statutory rights of redemption, when deemed advisable and to the best interest of the estate; provided, however, that when a private sale of any real or personal property or the private sale or release of any equities or statutory rights of redemption is authorized by such courts, and such sales or releases are made pursuant thereto, a report of such sales or releases shall be made under oath to the court having jurisdiction of the subject matter thereof and such report shall lie over ten days for the filing of objections or exceptions thereto before any order of confirmation is made.

Sec. 2. That when any administration is pending in the probate courts of this State the administrator or executor may file a petition in the chancery courts or courts of like jurisdiction for the purpose of obtaining an order for a private sale of either real or personal property, or any part thereof, for the payment of debts for division belonging to the said estate, without removing the entire administration to said chancery courts or courts of like jurisdiction; provided, however, that when a private sale of any real or personal property is authorized by such courts under the provisions of this section, and such sales are made pursuant thereto, no con-

firmation of such sales shall be made until a report of such sales has been made under oath and the same has laid over ten days for the filing of exceptions or objections thereto.

Sec. 3. That the chancery courts or courts of like jurisdiction in this State shall be considered always open for the purpose of hearing petitions, applications, ~~motion and reports and making any and all necessary~~ or proper orders or decrees in the administration of estates in said courts, and for the hearing of applications on behalf of the administrator or executor for the private sale of either real or personal property as provided by section 2 of this act, and all necessary orders and decrees relating thereto.

Sec. 4. That the administration of any estate may, at any time before final settlement, be removed from the probate to the chancery courts or courts of like jurisdiction, by any heir or distributee of the estate, without assigning any special equity, and an order of removal must be made by the court, chancellor or judge, either in term time or vacation, upon the filing of a sworn petition accompanied by an affidavit that petitioner is such heir or distributee.

Sec. 3. That all laws, and parts of laws, in conflict with the provisions of this act, be, and the same hereby are, expressly repealed.

Was adopted.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:	Fite	Plowman
Morrow, Pres. Pro tem	Merrill	Rogers
Allen	Miller	Sprott
Atkins	Moody	Stevens
Beasley	Moulthrop	Tunstall
Brown, C. W.	Nance	Vaiden
Brown, W. T.		

—18

Nays, 0.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Allen	Merrill	Rogers
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Brown, C. W.	Moulthrop	Tunstall
Brown, W. T.	Nance	Vaiden
Fite		

—18

Nays, 0.

RESOLUTIONS.

The following Joint Resolution offered by Mr. Kilby:

By Mr. Kilby.

S. J. R. 28. Resolved by the Senate, the House concurring, That when the two houses adjourn today that, they adjourn to reconvene on Tuesday, January 31, 1911, at 12 M.

Was read and referred to the Rules committee.

Mr. Moody offered the following Joint Resolution:

By Mr. Moody.

S. J. R. 29. Resolved by the Senate, the House concurring, That the joint committee heretofore appointed to examine the offices of the auditor and treasurer is hereby authorized to employ one or more expert accountants to make under the direction of said committee, or to aid said committee in making, such examination, and that such accountants shall be allowed out of the State treasury not exceeding twenty dollars (\$20.00) per day, each at the discretion of said committee. Such compensation shall be paid in the way and manner provided for the pay of clerks of the Senate and House.

Which was read and referred to the committee on Rules.

COMMUNICATIONS.

The following communication was read to the Senate:

Washington, D. C., Jan. 27th, 1911.

President of the Senate,

Capitol, Montgomery, Ala.

I wish to extend to you and through you to the members of the Senate a special and cordial invitation to attend my lecture Sunday.

R. P. Hobson.

314-am-28th.

And referred to the committee on Rules.

The following invitation was read to the Senate:

Montgomery, Ala., Jan. 24th, 1911.

To the Senate of Alabama:

You are cordially invited to be present at the ceremonies in commemoration of the Semi-Centennial of the inauguration of President Davis to be conducted by the United Confederate Associations of Montgomery, and to be held at the Capitol at 12 o'clock, February 18th, 1911. It is expected that the exercises will not exceed one hour in length, and you are therefore requested to take a recess, or adjourn for that length of time, and thus assist in the services of the day.

Respectfully,

Mrs. W. A. Gayle,

Mrs. J. A. Kirkpatrick,

Mrs. C. A. Lanier,

John B. Fuller,

John A. Elmore,

Committee.

And on motion of Mr. Plowman said invitation was accepted by the Senate and ordered spread on the Journal.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, from the committee on Rules, a standing committee of the Senate, reported that said committee in session had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report:

By Mr. Kilby.

S. J. R. 28. Resolved by the Senate, the House concurring, That when the two houses adjourn today that, they adjourn to reconvene on Tuesday, January 31, 1911, at 12 M.

Also:

By Mr. Moody.

S. J. R. 29. Resolved by the Senate, the House concurring, That the joint committee heretofore appointed to examine the offices of the auditor and treasurer is hereby authorized to employ one or more expert accountants to make under the direction of said committee, or to aid said committee in making, such examination, and that such accountants shall be allowed out of the State treasury not exceeding twenty dollars (\$20.00) per day, each at the discretion of said committee. Such compensation shall be paid in the way and manner provided for the pay of clerks of the Senate and House.

On motion said report was received and said resolutions were respectively adopted by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following House Joint Resolution:

H. J. R. 30. Resolved by the House, the Senate concurring, That when the House adjourns today, that it will stand adjourned until Tuesday, January 31st, 1911, at 11:30 A. M.

And sends same herewith to the Senate:

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, H. J. R. 30, set out in the foregoing message from the House, was read and referred to the committee on Rules.

Mr. Rogers offered the following Joint Resolution:

S. J. R. 30. Be it resolved by the Senate, the House concurring, That after the 35th day the House and Senate take a recess until the 12th of January, 1912.

On motion of Mr. Tunstall the above resolution was read and referred to the committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions:

S. J. R. 29. Resolved by the Senate, the House concurring, That the joint committee heretofore appointed to examine the offices of the auditor and treasurer is hereby authorized to employ one or more expert accountants to make under the direction of said committee, or to aid said committee in making, such examination, and that such accountants shall be allowed out of the State treasury not exceeding twenty dollars (\$20.00) per day, each at the discretion of said committee. Such compensation shall be paid in the way and manner provided for the pay of clerks of the Senate and House.

Also:

S. J. R. 28. Resolved by the Senate, the House concurring, That when the two houses adjourn today that, they adjourn to reconvene on Tuesday, January 31, 1911, at 12 M.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

ADJOURNMENT.

At 1:10 o'clock P. M., on motion of Mr. Tunstall, and in pursuance of Senate Joint Resolution No. 28, heretofore adopted, the Senate adjourned until Tuesday, January 31, 1911, at 12 o'clock M.

FOURTEENTH DAY.

Tuesday, January 31, 1911.

The Senate met pursuant to adjournment.

PRAYER.

By Rev. F. W. Brandon of Jefferson.

ROLL CALL.

Present: Mr. President, and

Messrs.	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar	Plowman	

—34

JOURNAL.

On motion of Mr. Merrill the reading of the Journal of yesterday was dispensed with and same was approved.

OATH OF OFFICE.

Hon. Robert E. Spragins, Senator-elect from the Fourth Senatorial District, composed of the county of Madison, being present, came forward, presented his credentials, and the President of the Senate in the presence of the Senate administered to him the oath of office prescribed by the Constitution and laws of the State, and he subscribed his name thereto.

PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs. L. W. Grant, J. V. Allen, H. B. Pearson, R. W. Walker, Geo. P. Harrison, A. A. Persons, J. B. Tally, Virgil Bowdin, L. E. Brown, E. L. Whatley, H. D. Merrill, V. E. Adams, W. L. McCoy and J. W. Burnett for today.

REPORTS OF COMMITTEES.

Mr. W. T. Brown, chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morrow.

S. 94. To amend section 1803 (§665) of the Code of Alabama.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 67. To amend Section 5897 of the Code of Alabama.

S. 98. To amend Section 6638 of the Code of Alabama of 1907.

S. 77. To amend Section 6845 of the Code of Alabama.

S. 69. To provide for the preparation and distribution among the State and county officers of copies of official opinions rendered by the attorney general.

S. 30. To amend Sections 1996 and 2032 of the Code of Alabama.

S. 7. Regulating the administration of estates in the chancery courts and courts of like jurisdiction in this State, and conferring jurisdiction on said courts in such proceedings and on application of an administrator or executor in any administration to order a private sale of either real or personal property.

S. 31. To amend Sections 2106, 2155 and 2195 of the Code of Alabama.

S. 95. To amend section 7083 of the Code of Alabama of 1907, also to repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, in which such stock are prohibited to run at large; to provide that all fines assessed shall be paid in money and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory, where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justice of the peace; to dispense with grand juries, and to provide for the prosecutions and convictions for violation of the terms of this act, under affidavit and warrant or information, and without indictment, approved August 19, 1909.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

REPORT FROM COMMITTEE ON REVISION OF JOURNAL.

Mr. Crumpton, chairman of the standing committee on Revision of the Journal, makes the following report:

REVISION OF THE JOURNAL.

The committee on revision of the Journal begs leave to report that it has carefully examined the Journals of the Senate for the ninth, the tenth, the eleventh, the twelfth and thirteenth legislative days and finds the same contains the proper entries and references thereto as required by the Constitution, but respectfully calls the attention of the Senate to the Constitutional insufficiency of the proof accompanying Senate Bill 153 as introduced by the Senator from St. Clair which appears on the Journal of the thirteenth legislative day.

W. C. Crumpton,
Chairman.

Which was received and adopted and the Journal for ninth, tenth, eleventh, twelfth and thirteenth legislative days, were approved by the Senate.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Plowman:

S. 159. To amend section 1995 of the Code of Alabama, 1907.

Finance and Taxation.

By Mr. Plowman:

S. 160. To amend section 1941 of the code of Alabama of 1907.

Education.

By Mr. Justice:

S. 161. To amend sub-division 7 of section 1678, article 1, chapter 41, of the code of 1907.

Education.

By Mr. Morrow:

S. 162. To prohibit the selling or exhibiting for sale of any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another for the purpose of

selling or exhibiting for sale any goods, wares or merchandise, without the written consent of the owner of such private roads or lands, in counties in Alabama having a population of less than forty thousand inhabitants according to the last federal census.

County and County Boundaries.

By Mr. Renfro:

S. 163. To authorize courts of county commissioners or boards of revenue of any county in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

Agriculture.

By Mr. Screws:

S. 164. To provide for the appointment of an official bailiff for the City and Circuit Courts for the County of Montgomery, and to prescribe his duties, to fix his compensation, and to provide for the payment of the same.

Finance and Taxation.

With notice and proof as follows:

The State of Alabama,)
Montgomery County.)

Personally appeared before me, Henry N. Hughes, clerk of the city court of Montgomery, Andrew S. Allen, who being duly sworn, deposes and says on oath, that he is the assistant manager of The Montgomery Times, a news paper published in the city of Montgomery, Alabama, and that publication of a certain notice, of which the following is a true and correct copy, has been made in said paper, to-wit:

NOTICE.

Notice is hereby given that at the next session of the Legislature of the State of Alabama, that a bill will be introduced to provide for the appointment of an official bailiff for the city and circuit courts for the

county of Montgomery, and to prescribe his duties, to fix his compensation, and to provide for the payment of the same.

That said notice has been published for four consecutive weeks in said paper, viz; on the 7th day of January, 1911; the 14th day of January 1911; the 21st day of January 1911, and the 28th day of January 1911.

Andrew S. Allen.

Sworn to and subscribed before me this 30th day of January, 1911.

H. N. Hughes,

Clerk of the City Court of Montgomery.

By Mr. Fite:

S. 165. To amend section 6634 of the code of Alabama 1907.

Judiciary.

By Mr. Merrill:

S. 166. To amend an act "to establish a county court for the county of Clay," approved December 13, 1898, (and amended March 2, 1901 and August 6, 1907).

Finance and Taxation.

With notice and proof, as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, that convenes January, 1911, for the passage of a bill, the substance of which is, and will be, to amend an act "to establish a county court for the county of Clay" approved Dec. 13, 1898 (and amended March 2, 1901, and August 6, 1907) as follows:

Amend section 18 of said act by making the judge's salary eighteen hundred dollars per annum, payable in equal monthly installments by the State, as salaries of circuit judges of the State are now paid.

The State of Alabama, }
Clay County }

On this the 28th day of January, 1911, before me F. J. Ingram, judge of probate, in and for said county,

personally appeared B. W. Sims, who being duly sworn says that he is editor and business manager of the Ashland Progress, a weekly newspaper, published each week at Ashland, Clay county, Alabama, and who further says that the notice hereto attached was published in said newspaper in Ashland, Clay county, Alabama, for four consecutive weeks, on the following dates to-wit: Dec. 23, 1910; Dec. 30, 1910; Jan. 6, 1911, and Jan. 13, 1911.

B. W. Sims.

Sworn to and subscribed before me this 28th day of January, 1911.

F. J. Ingram,
Judge of Probate.

By Mr. Espy:

S. 167. To provide for the ascertainment of property which has escaped assessment, and to provide for the assessment of such escaped property.

Finance and Taxation.

By Mr. Espy:

S. 168. To authorize the recovery of growing or ungathered crops in an action of detainue, and to define the title on which said recovery may be had.

Revision of Laws.

By Mr. Espy:

S. 169. To abolish county tax commissioners in the State of Alabama.

Judiciary.

By Mr. Plowman (by request):

S. 170. To amend subdivision 8, of section 2082 of the code of Alabama, of 1907.

Banking.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment to,

H. 54. To prohibit the running or operating of what is commonly known as a pool room, or billiard room, box ball alley, tenpin alley or any place where pool or billiards are played in Tallapoosa county, Alabama, outside of the limits and police jurisdiction of any incorporated city or town therein, and to fix a punishment for a violation of the act.

~~And requests committee of conference.~~

Committee on part of House, Messrs. Fuquay, Jones of Monroe, Kilburn.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Justice, the Senate accedes to the request of the House for a committee of conference on the disagreement of the two Houses on the Senate amendment to House Bill No. 54.

The title of which is set out in the foregoing message from the House.

President pro tem Morrow, appointed as committee on the part of the Senate, Messrs. Justice and Norman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 140. To fix the compensation of bailiffs of courts of record.
and sends the same to the Senate.

H. 138. To amend the caption and Section three (3) of an act entitled "An Act to abolish the office of County Treasurer of Dallas County, and to require the Tax Collector and other officers of Dallas County to deposit funds belonging to the County in The City National Bank of Selma and The Selma Savings Bank, to the credit of the County and subject to the order of the Court of County Revenues." (Approved Feb. 8, 1877, so as to make it read as follows."

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

AN ACT

To amend the caption and section three (3) of an act entitled "An act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of Dallas county to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues." Approved Feb. 8th, 1887, so as to make it read as follows:

Section 1. *Be it enacted by the Legislature of Alabama*, That the caption of said act be amended, so as to read as follows: An act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of Dallas county to deposit the funds belonging to the county in either the City National Bank of Selma, the Selma National Bank of Selma, the people's Bank & Trust Co. of Selma, or the Selma Trust & Savings Bank of Selma, as the board of revenue of Dallas county may by order at any regular term direct, or to any one of them to the credit of said court of county revenues..

Sec. 2. *Be it further enacted*, That section three of said act be amended so as to read as follows:

Section 3. *Be it further enacted*, That all moneys or any part thereof, heretofore required by law to be paid to the county treasurer, shall be paid into, either the City National Bank of Selma, the Selma National Bank of Selma, the People's Bank & Trust Co. of Selma, or the Selma Trust & Savings Bank of Selma, as the board of revenue of Dallas county, may, by order at any regular term direct, to the credit of said county, and all settlements heretofore required by law to be made with said treasurer, shall be made with said court of county revenues; the receipts of the bank or banks, into which the board of revenues may have designated the same to

be paid, being sufficient voucher; and all sworn reports heretofore required by law to be made to said treasurer shall be made to the probate judge of said county.

Notice:

Notice is hereby given of the intention to apply for the passage of the foregoing bill at the next session of the Legislature of Alabama.

A. D. Pitts.

The State of Alabama, }
The County of Dallas. }

Personally appeared before me, R. P. Anderson, a notary public in and for said county, in said State, R. E. L. Neil, who is known to me, and who being first by me duly sworn according to law, on his oath says: That he is the editor and publisher of "The Selma Times" and has been such for the past two years next heretofore; that the said "The Selma Times" is a newspaper published in Dallas county, Alabama, and has been such for more than two years next heretofore; that the above notice of intention to apply to the Legislature for the passage of a local law, pasted on this sheet, was published in the said "The Selma Times" once a week for four consecutive weeks, beginning on December 1st, 1910, and ending on January 1st, 1911; that said notice was published in said newspaper on the following dates, namely: December 2nd, December 9th, December 16th, December 23rd, and December 30th, all in the year 1910. That the above notice concerns an act which affects matters and things in Dallas county, Alabama.

R. E. L. Neil.

Sworn to and subscribed before me this the 17th day of January, 1911.

R. P. Anderson,
Notary Public, Dallas County, Ala.

H. 132. To authorize and empower the court of county commissioners of the county of Morgan, to make appropriation to the Salvation Army to be used exclusively for charitable purposes in said county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

SALVATION ARMY APPROPRIATION.

AN ACT

To authorize and empower the court of county commissioners of the county of Morgan to make appropriation to the Salvation Army, to be used exclusively for charitable purposes in said county.

Section 1. *Be it enacted by the Legislature of Alabama*, That the court of county commissioners of the county of Morgan and State of Alabama, may, and said court is hereby authorized and empowered to make an appropriation from the county funds of said county to "The Salvation Army," to be used exclusively for charitable purposes in said county.

Sec. 2. That any money appropriated under this act shall be paid by the county treasurer upon a warrant drawn and signed, as in other appropriations made by said court of county commissioners, to the legally constituted officer of the Salvation Army, in charge of the Salvation Army in the county of Morgan, at the time said warrant is drawn and signed or to his lawful successor.

Sec. 3. That all laws, and parts of laws, general, special, or local, in conflict herewith are hereby repealed.

PROOF OF PUBLICATION.

State of Alabama,)
Morgan County. }

Before me, E. E. Graves, personally appeared C. J. Hildreth, who being duly sworn deposes and says, on oath, that he is the proprietor and editor of the New Decatur Advertiser, a newspaper published in New Decatur, in said county; and further, that the annexed advertisement of an act to authorize appropriation by county commissioners of Morgan county to the Salvation Army

was given publication in said newspaper for the period of four consecutive weeks, beginning Dec. 8, 1910.

C. J. Hildreth.

Sworn and subscribed to before me this 3rd day of January, 1911.

E. E. Graves,
Notary Public.

H. 71. To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of intention to apply to the next Legislature of Alabama which convenes January 10th, 1911, for the passage of a local law for Tallapoosa county the substance of which is as follows:

An act to provide a law for Tallapoosa county on the subject of roads and bridges, to make it the duty of the court of county commissioners of Tallapoosa county to purchase or hire horses, mules, materials and other things necessary in the construction, working, maintenance or repair of the public roads and bridges, to authorize the court of county commissioners to appropriate funds from the road fund, bridge fund and general fund, to pay for such equipment and supplies and all claims against said funds, to authorize said court to sell any of such property, to employ hands to working the roads, to employ the county convicts on the roads and contract for others and provide for their sustenance and safe keeping, to provide for the appointment of a superintendent of roads and bridges for the county by the judge of probate and court of commissioners, to provide for his duties and place him under the control and supervision of the judge of probate and commissioners court, to require him to make bond with good sureties in the sum of \$2,000, to provide that he shall receive such salary as the commissioners court may fix,

payable in county warrants. to provide for the removal of such superintendent by the judge of probate and commissioners court and for the appointment of his successor by the judge of probate and commissioners court, to provide that such superintendent shall have the control of the road foremen and shall direct the working of the roads, under the supervision of the judge of probate and commissioners' court, to provide that he shall fill vacancies in the position of road foreman, to provide that he shall let contracts for the building or repair of bridges under direction of the judge of probate and commissioners court, that he shall erect mile posts and road signs upon direction of said court, that he shall have the care of all live stock and materials and equipment turned over to him and deliver same to the judge of probate when he goes out of office, to provide that he shall make quarterly reports to the commissioners court and bi-weekly reports to the judge of probate of expenses on road and bridge work and recommendations for future work, that he shall make additional reports when required, that the judge of probate shall draw warrants on the county treasurer for such expenses when authorized by commissioners court, that the court of county commissioners shall have power to enter up any order proper for the benefit of the public roads and bridges not inconsistent with the provisions of this act and the general laws of the State, that this act shall not prohibit the commissioners making contracts for road and bridge work to be done under the supervision of said superintendent, to provide that the commissioners court shall divide the county into road districts and name the number of road foreman which shall not be more than one to the district and fix their compensation that said foreman shall be appointed by the superintendent of roads and bridges, and shall be paid by warrants in monthly installments drawn by probate judge upon the treasurer chargeable to the road fund that the commissioners court shall grade the roads and number them, that there shall be two grades of roads, first and second, the first shall be 25 feet wide and the second 20 feet wide, that a book shall be kept

in the office of the judge of probate showing the number, grade and length of roads and the districts in which located, that said record shall be open to inspection of the public, that it shall be unlawful to obstruct a public road in any way by stones, debris, lumber or brush or to obstruct the ditches on either side of roads, that it shall be unlawful to plow into any road, dig into any road or across or into any ditch, that the punishment for so doing shall be not more than \$100.00 and six months imprisonment or hard labor, that the road foremen shall have control and supervision of the road gang in their district and shall work the roads in their district under direction of the superintendent of roads and bridges, that the road foremen shall summon the road hands giving warning when notified to do so by the superintendent, that the commissioners court shall have the right to levy a special road tax of 1-10th of one per cent. for the construction, repairing and maintenance of the public roads, that said tax shall be an annual one on all taxable property and levied and collected as other taxes that it cannot be used for any other purpose than building or repairing the roads and shall be kept separate as the "Road Fund," that all male persons residing in Tallapoosa county between the ages of 18 and 45 except those that are exempted from the road duty under the general laws of the State shall work the roads in person or by substitute ten days in each year, that no person shall be exempt on the ground of physical disability unless he secures a certificate to that effect from the commissioners court, that any person may discharge his liability for road duty by paying to the tax collector \$5.00 on or before the 1st of February in each year, that said sum may be paid any time after October 1st preceding, that the tax collector shall issue to him a receipt giving his name, age and road district, and the year for which he had paid, that the tax collector shall pay over all such fund to the treasurer immediately, and they shall be credited to the Road Fund, that the tax collector shall file with the judge of probate after February 1st in each year a list of the persons who have paid him with the amounts re-

ceived, that he shall receive for his service one per cent of the amount collected, that the road year of the county shall begin on the first day of January, and end on the 31st day of December following, that after the first day of February in each year each county commissioner shall prepare a list of persons residing in his district who have failed to pay said \$5.00 and apportion them to the public roads in the road district in which they reside, that no person shall be required to work a road more than six miles from where he resides, that the superintendent of public roads and bridges shall be furnished with said lists and shall notify the road foreman to warn said road hands to work the roads at such times as he may designate, that all persons arriving at road age during the year and persons coming into the county during the year may relieve themselves from road duty liability by paying the tax collector within thirty days thereafter at the prorated of \$5.00 per annum for the remainder of the year, that those hands who fail to pay shall be apportioned like other road hands, that the mode of warning shall be by one days written notice served in person or left at place of residence, notify the hand to appear at a certain time and place, and bring with him such tools as he may be directed to bring, that any person so warned who fails or refuses to work without legal cause or good excuse shall be fined not less than ten nor more than fifty dollars, that it shall be the duty of the superintendent of roads and bridges and the road foreman to prosecute said defaulter, that the justice of the peace courts shall have concurrent jurisdiction with the county court for the trial of such cases, that any road hand or substitute who fails to do good and sufficient work or who may be intoxicated or who uses profane, abusive or obscene language or refuses to obey any reasonable order of the foreman shall be fined not less than ten nor more than fifty dollars, and may be dismissed by said foreman or superintendent, that it is the duty of the superintendent and foreman to prosecute such person and the justice of the peace courts shall have jurisdiction to try cases, that a day's work of a road hand shall be ten hours,

that the court of county commissioners shall have the right to change or alter the course of a public road, open new roads provided there is no objection to such change or new road by the owner of the land through or over which the road will run, that the commissioners court shall have the right to purchase and pay for all rights of way for roads as they may deem best, that all laws and parts of law in conflict with the provisions of this act shall be repealed and this act shall go into effect October 1st, 1911.

December 8, 1910:

A. P. Fuquay,
J. B. Rylance.

State of Alabama, }
Tallapoosa County. }

Before me, T. S. Christian, justice of the peace in and for said State and county, personally appeared J. W. Hamner, who being by me first duly sworn, says on oath that he is the editor and proprietor of a weekly newspaper, published at Alexander City, Alabama, in said State and county called The Alexander City Outlook, that the attached notice of intention to apply to the next Legislature of Alabama for the passage of a local law for Tallapoosa county was published in said newspaper for four consecutive weeks, beginning with the issue of December 9th, 1910, and ending with the issue of December 30th, 1910.

J. W. Hamner.

Subscribed and sworn to before me this 5th day of January, 1911.

T. S. Christian,
Justice of Peace, Tallapoosa County, Ala.

H. 11. To amend section one of an act entitled an act "to fix the fees and commissions of the deputy solicitor of Butler county, and to make disposition of the residue of fees and commissions earned by him." Approved Dec. 13th, 1900.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama to convene on the second Tuesday in January, 1911, for the passage of an Act to be entitled "An Act, To amend Section one of an act entitled An Act 'To fix the fees and commissions of the deputy solicitor of Butler County, and to make disposition of the residue of fees and commissions earned by him,'" approved December 13th, 1900.

The bill will contain in substance the following provisions:

AN ACT

To amend Section One of an act entitled an act "To fix the fees and commissions of the deputy solicitor of Butler county, and to make disposition of the residue of fees and commissions earned by him," approved December 13th, 1900.

Be it enacted by the Legislature of Alabama:

Section. 1. That section one of an act entitled an act "To fix the fees and commissions of the deputy solicitor of Butler county, and to make disposition of the residue of fees and commissions earned by him," approved December 13, 1900, which said section of said act reads as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the deputy solicitor of Butler county may collect and retain for his services the fees and commissions earned by him in the County Court of Butler county during the year a sum not to exceed seven hundred and fifty dollars," be amended, and as amended re-enacted so as to read as follows: Section 1. Be it enacted by the Legislature of Alabama, That the deputy solicitor of Butler county may collect and retain for his services the fees and commissions earned by him in the County Court of Butler county during the year a sum not to exceed twelve hundred dollars.

The State of Alabama, }
Butler County }

Before me, O. A. Lane, a Notary Public in and for said County and State, personally appeared Abe Lehman, who, being first duly and legally sworn, doth depose and say that he is the editor and proprietor of the Living Truth, a newspaper published in Butler County, Alabama, and which is a weekly newspaper; that the notice, a copy of which is hereto attached, was inserted in said Living Truth, and has been published and has appeared regularly in said Living Truth for four consecutive weeks on the following dates of issue of said newspaper: December 16th, 1910, December 23rd, 1910; December 30th, 1910; and January 6th, 1911.

Abe Lehman.

Subscribed and sworn to before me, on this the 6th day of January, 1911.

O. A. Lane,
Notary Public.

H. 241. To authorize and require the treasurer of Barbour county to pay claims which are proper charges against the fine and forfeiture fund of Barbour county, and prescribing how and when such claims shall be paid and repealing conflicting laws.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its next session, which convenes in the city of Montgomery during January, 1911, to enact a law authorizing and requiring the treasurer of Barbour county, Alabama, to pay claims which are proper charges against the fine and forfeiture fund of Barbour county; and specifying how, when, and in what manner such claims shall be paid, and specifying how the amount to be paid shall be ascertained, and repealing all laws and parts of laws in conflict with the provisions of said proposed act.

The foregoing is the substance of the law which it is intended to apply to the Legislature to enact.

State of Alabama, }
Barbour County. }

Before me, B. C. Cox, clerk of the circuit court, said State and county, personally appeared Campbell L. Cory, manager Weekly Times and News, who being duly sworn doth depose and say that the above notice hereto attached was published for four consecutive weeks in the Weekly Times and News, a newspaper published in Eufaula, Barbour county, Alabama. That said above notice was published on the following dates: Dec. 29th, 1910, and Jan. 5th, 12th, and 19th, 1911.

Campbell L. Cory.

Sworn to and subscribed before me, this the 20th day of January, 1911.

B. C. Cox,
Clerk of Circuit Court.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate standing committees as follows:

H. 140, 138, 132, 71, To Local Legislation.

H. 11, 241, To Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

House Joint Resolution No. 26.

Whereas, certain enforcement of law is the foundation of stable government under a democratic form of government, and

Whereas, the enforcement or non-enforcement of any law according to the interest or wishes of individual sheriffs, constables, and other executive officers is contrary to all sound principles of democratic government, and is calculated to breed corruption, favoritism and contempt of all law, and

Whereas, the shameful, open, and flagrant defiance of the prohibition laws of the State in numerous cities and communities of the State is shocking to every thoughtful man, regardless of his views as to the wisdom of such legislation,

Therefore, be it resolved by the House, the Senate concurring, that it is the sense of the Legislature of Alabama that the prohibition laws of the State of Alabama should be enforced.

And send same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House Joint Resolution in the foregoing house message were read once and referred to appropriate standing committees as follows:

H. J. R. 26, To Rules.

RESOLUTIONS.

Mr. Godbold offered the following resolution:

S. R. 34. Whereas it has been reported that it would be the policy of a majority of the Senate to block all important legislation until the passage of a local option measure, and,

Whereas, the people of Alabama expect and are entitled to have passed wise and just laws which deal with other subjects,

Therefore, be it resolved by the Senate of Alabama, That this body is opposed to blocking Legislature, and does hereby declare that it favors independent consideration and action on each and every bill proposed.

Which was read and referred to the committee on Rules.

Mr. Moulthrop offered the following joint resolution:

S. J. R. 32. Whereas, the Senate has received, read and referred to its committee on Rules, House Joint Resolution 26, which is, in substance, an ex parte declaration by the House of Representatives that it favors the enforcement of some of the laws of the State; and,

Whereas, in view of the fundamental principle of this government which confines the powers of the Legislature to the legislative department of the government it is evident that the only purpose of the resolution aforesaid is the publishing by the House of Representatives of its views on the subject of the enforcement of law, rather than an exercise of any of the functions of a legislative body; and,

Whereas, the Senate feels a desire likewise to deliver itself of some announcements on the burning questions of the day, and is encouraged so to do by the aforesaid precedent established by the House of Representatives; and,

Whereas, the boll-weevil is a pesky bug, bringing, without excuse, much worry to those horny handed sons of toil, the farmers, who are the bone and sinew of the country, and also great uneasiness to those who have loaned money to the aforesaid bone and sinew, and, in addition thereto, causing sundry, numerous and urgent requests for appropriations which the State can ill afford; and,

Whereas, the hookworm, because of its insidious methods and want of all candor and openness in its operations, merits severe censure and condemnation; therefore,

Be it resolved by the Senate, the House of Representatives concurring, That the Legislature of Alabama is unalterably opposed to the boll-weevil and to the hookworm, and favors good roads.

Which was read and referred to the committee on Rules.

Mr. Screws offered the following Senate joint resolution:

S. J. R. 33. Be it resolved by the Senate, the House concurring, first, that an education commission con-

sisting of three members from the House and two from the Senate together with the State superintendent of education and three educators to be appointed by the governor, be and the same is hereby created for the purpose of examining and revising the school laws of Alabama and of recommending to the Legislature, such charges as will remove inconsistencies, simplify and make more effective the school laws and render them more nearly perfect and harmonious.

Second, That the commission be authorized, if necessary, to employ a secretary and other clerical assistance.

Third, That members of this commission serve without pay except that of actual expenses while in the discharge of their duties as members of this commission.

Which was read and referred to Rules Committee.

Mr. W. T. Brown, offered the following joint resolution:

S. J. R. 31. Be it resolved by the Senate, the House concurring, That Dr. C. J. Owen, commissioner of agriculture and immigration of the southern commercial congress and commander in chief of the United Sons of confederate veterans, be invited to address a joint meeting at one o'clock, Wednesday, February 1st, 1911, on the plan and purpose of the southern commercial congress.

Was read and under a suspension of the rules, was adopted.

BILLS ON THIRD READING.

The bill:

S. 88. To amend section 3912 of the code.

Was read a third time at length and passed.

Yeas, 22; nays, 6.

Yeas:

Messrs.	Crumpton	Kilby
Morrow, Pres. Pro tem	Curry	Merrill
Allen	Espy	Miller
Atkins	Folmar	Nance
Brown, W. T.	Godbold	Norman

Renfro	Sherrod	Stevens
Rogers	Spragins	Tunstall
Screws	Sprott	

—22

Nays:

Messrs.	Fite	Plowman
Beasley	Frazer	Vaiden
Brown, C. W.	Moulthrop	

—6

The bill:

S. 89. To amend section 2486 of the code.

Was read a third time at length and passed.

Yeas, 22; nays, 1.

Yeas:

Messrs.	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Rogers
Allen	Godbold	Screws
Atkins	Justice	Sherrod
Brown, W. T.	Kilby	Sloan
Crumpton	Merrill	Spragins
Curry	Miller	Sprott
Espy	Moulthrop	

—22

Nays. Mr. Fite.—1.

The bill:

H. 61. To require the Commissioners' Court of Elmore county, Alabama, to publish the minutes of its proceedings at each regular, revenue, special and adjourned terms in the newspaper printed and published in said county having the largest number of bona fide subscribers; to require such court to designate such newspaper; to provide for the furnishing of copy to the publisher of such paper for publication and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

Was read a third time at length and passed.

Yeas, 17; nays, 6

Yeas:

Messrs.	Curry	Folmar
Morrow, Pres. Pro tem	Espy	Justice
Crumpton	Fite	Kilby

Merrill
Nance
Plewman

Renfro
Rogers
Screws

Sherrod
Sprott
Tunstall

—17

Nays:

Messrs.
Allen
Atkins

Brown, C. W.
Frazer

Miller
Moulthrop

—6

The bill:

H. 60. To require the Treasurer of each incorporated city or town in Elmore county, Alabama, to make out and deliver to the publisher of a newspaper in such city or town for publication a statement showing the receipts and disbursements of such city or town during each quarter; to provide for the designation of the newspaper to which such statement shall be delivered for publication; to fix the compensation for such publication and to provide for the payment of the same out of any funds in the city or town treasury.

Was read a third time at length and passed.

Yeas,, 29; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Beasley	Justice	Rogers
Brown, C. W.	Kilby	Screws
Brown, W. T.	Lovelace	Sherrod
Crumpton	Merrill	Sloan
Curry	Miller	Spragins
Espy	Moulthrop	Sprott
Fite	Nance	Tunstall
Folmar	Norman	Vaiden

29

Nays, 0.

SPECIAL ORDER SET.

On motion of Mr. Frazer.

S. 90. To amend section 3910 of the code.

Was made a special order for Wednesday February 1st, 1911, at 12 o'clock m.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sullivan:

H. J. R. 34: In the death of Edward L. Russell, of Mobile, the south has lost one of her best and most useful citizens. A native Alabamian. At an early age he removed with his parents to Mississippi near the confines of the State. Young Russell was not blessed with the educational advantages, which are at the disposal of the Southern boy of this day. Possessed of the intelligence and dogged determination to succeed, these made possible his future, grand and successful career. As a young lawyer he entered the service of the Mobile & Ohio Railroad and rapidly rose to a commanding position in the government of that corporation. At all times, he used his powerful influence towards the betterment of his fellow men and the advancement of our southland. In the councils of the democratic party, he was one of our chosen and most trusted leaders; his advice was eagerly sought and his calm judgment could be relied upon. We have lost an honorable and highly influential citizen; therefore,

Be it resolved by the House, the Senate concurring, That we extend to his family our deepest sympathy and as a mark of respect to his memory both bodies now adjourn for today until tomorrow at eleven o'clock.

And send same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Stevens, the rules were suspended and H. J. R. 24, set out in the foregoing message from the House was concurred in and adopted.

ADJOURNMENT.

At 1:25 o'clock p. m. on motion of Mr. Stevens and in pursuance of the House Joint Resolution 34, just adopted the Senate adjourned until tomorrow morning at 11 o'clock.

FIFTEENTH DAY.

Wednesday, February 1st, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Carey.

ROLL CALL.

Present:

Mr. President and		
Messrs. :	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Plowman
Allen	Godbold	Renfro
Atkins	Justice	Rogers
Beasley	Kilby	Screws
Brown, C. W.	Lovell	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Spragins
Curry	Moody	Sprott
Espy	Moulthrop	Stevens
Fite	Nance	Vaiden

—33

JOURNAL.

On motion of Mr. W. T. Brown, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. E. C. Milner, E. Perry Thomas, John Eyster, Jno. W. Moore, J. C. Jones.

LEAVE OF ABSENCE.

Leaves of absence were granted Messrs. Tunstall and Stokes for today.

RECOMMITMENT OF BILL.

Mr. Sherrod from the committee on Revision of Laws returned to the Senate.

S. 41. To amend section 1942 of the code.

And on motion of Mr. Morrow, the same was referred to Finance and Taxation.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Spragins:

S. 171. To amend section 3299 of the code of Alabama.

By Mr. Kilby:

S. 172. To provide a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than two thousand and not more than twenty-five thousand people according to the last Federal census, or any Federal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

Municipalities and Municipal Organizations.

By Mr. Beasley:

S. 173. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.

Municipalities and Municipal Organizations.

By Mr. Beasley:

S. 174. To amend section 1258 of the code of Alabama.

Municipalities and Municipal Organizations.

By Mr. Renfro:

S. 175. To compensate property owners for consequential damages for the closing or obstructing of any street in any village, town or city.

Municipalities and Municipal Organizations.

By Mr. Morrow (by request):

S. 176. To provide a manner of selling all of the property of a private corporation.

Corporations.

By Mr. Screws:

S. 177. To provide for the holding of elections in the various counties of Alabama, and in the various cities of over six thousand population in Alabama, to decide whether or not spirituous, vinous and malt liquors may be manufactured, sold or otherwise disposed of by persons under license, or by dispensary in incorporated cities in any county, or within the corporate limits of cities of over six thousand population where in such election is held.

Temperance

By Mr. Screws:

S. 178. To regulate the manufacture and sale of spirituous, vinous and malt liquors in the State of Alabama.

Temperance.

By Mr. Allen:

S. 179. To amend section 3418 of the code 1907 relating to lease-hold estate.

Revision of Laws.

By Mr. Atkins:

S. 180. To create the office of State pension examiner, define his duties and fix his compensation.

Finance and Taxation.

By Mr. Folmar:

S. 181. To appropriate out of any funds of the State not otherwise appropriated, the sum of forty-two thousand dollars, (\$42,000.00), to be used for the purpose of aiding in the erection of a dormitory for the State normal college situated at Troy, Alabama.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow (with notice and proof):

S. 120. To amend section 1 of an act entitled an act "to provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office."

Also:

By Mr. Morrow (with notice and proof):

S. 133. To create and establish the Juvenile Court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate in all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected, or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

Mr. Justice, chairman of the standing committee on Public Health, reported that said committee in ses-

sion had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

Also:

By Mr. Folmar:

S. 99. To provide for the regulation and licensing of dentists in the State of Alabama; to establish a board of dental examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee in session had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

Also:

By Mr. Sherrod (with amendment):

S. 28. To provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing such "commercial feeding stuffs" and to fix penalties for violations of this act.

Also:

By Mr. Espy:

S. 144. To authorize the sale of commercial fertilizers in bags, packages or barrels of the weight of one hundred pounds and to provide for the issuance of tags of the value of one and one-half cents each to be attached thereto.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the Senate with a favorable report and they

were severally read a second time and placed on the calendar, to-wit:

Also:

By Mr. Screws:

S. 152. To repeal section 6565 of the code of Alabama of 1907.

Also:

By Mr. Sprott:

S. 51. To amend section 1216 of the code of Alabama.

Also:

By Mr. Atkins:

S. 79. To repeal section 6321 of the code of Alabama.

Also:

By Mr. Brown, C. W.:

S. 128. To amend section 6573 of the code of Alabama of 1907.

Also:

By Mr. Stevens:

S. 140. To amend section 4494 of the code of Alabama of 1907.

Also:

By Mr. Kilby:

S. 155. To amend section 5144 of the code. (Making Good Friday a holiday.)

Also:

By Mr. Rylance:

H. 87. To amend section 3798 of the code of Alabama of 1907.

Also:

By Mr. Percy:

H. 108. To amend section 3418 of the code of Alabama.

Mr. Vaiden, chairman of the standing committee on Military, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

Also:

By Mr. Moulthrop:

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes; and to prevent the hiring of such convicts to private persons or to corporations; and to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

Also:

By Mr. Vaiden:

S. 96. To make appropriations for the expenses of encampment, maneuvers and target practice of the Alabama National Guard for the years 1911, 1912, 1913, 1914.

Also:

By Mr. Vaiden:

S. 146. To amend section 7399 of the code. (Relates to riot or outbreak.)

Mr. C. W. Brown, chairman of the standing committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

Also:

By Mr. Beasley (with notice and proof):

S. 66. To provide for the election of four county commissioners in Fayette county, Alabama, and to prescribe the manner of electing same.

Also:

By Mr. Sherrod:

S. 127. To amend section four hundred and fifty (450) of the political code of nineteen hundred and seven (1907).

Also:

By Mr. Screws:

S. 46. To amend section six of an act entitled "an act to further regulate elections in the State of Alabama," approved November 23, 1907.

ADVERSE REPORT.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with an adverse report.

By Mr. Godbold:

S. 97. To amend section 5329 of the code of 1907, so as to allow husband and wife, and parent and child to sue jointly in all actions ex delicto arising out of the same transaction; and, in such cases, that the issues may be determined separately by the jury and the proper judgment rendered by the court and the costs fairly apportioned."

By Mr. Brown, W. T.:

S. 115. To amend section 3355 of the code of Alabama (1907) and to require all conveyances of land to be recorded in the office of the judge of probate of the county in which the land conveyed, or any portion thereof lies.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 89. To amend section 2486 of the code.

S. 88. To amend section 3912 of the code.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 22. To amend section 932 of the code of Alabama.

H. 66. To amend section 3 and 5 of an act entitled "an act to further regulate elections in the State of Alabama," approved Nov. 23rd, 1907.

And sends same herewith to the Senate.

W. T. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 22, To Military.

H. 66, To Privileges and Elections.

RESOLUTION.

Mr. Curry offered the following Resolution:

S. R. 35. Resolved, That the committee on Engrossed bills be allowed a clerk to be named by the chairman of said committee, which said clerk shall also serve the committee on Federal Relations and Fees and Salaries.

Was read and referred to committee on Rules.

ORDER TO PRINT.

On motion of Mr. Kilby, the secretary was directed to have 500 copies

S. 172. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or may hereafter have, a population of more than two thousand and not more than twenty-five thousand people according to the last Federal census, or any Federal census or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; or to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and cer-

tain other city officials annd otherwise to provide for the creation and maintenance of said commission form of government.

Printed for the use of the Senate.

BILLS ON THIRD READING.

The bill :

S. 20. To amend section 3164 of the code of Alabama of 1907.

Was taken up.

The following substitute offered by the committee:

A BILL

To be entitled an act to amend section 3164 of the code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, That section 3164 of the code of Alabama of 1907 be, and the same hereby is, amended so as to read as follows, to-wit:

3164. Decree after decree pro confesso is taken in term time or vacation. Whenever a decree pro confesso is taken in any cause in the chancery court or court exercising chancery jurisdiction, and the evidence has been taken and the cause is ready for submission for final decree, and the complainant or his solicitor of record, if no defense has been interposed, shall file a written request with the register or clerk of the court where the cause is pending, and shall give ten days notice in writing to the defendant of the proposed submission, which notice must be served by the sheriff upon the defendant or his solicitor of record, and if defendant has a guardian ad litem, then upon such guardian ad litem, if either resides within the State, and if neither resides within the State, such notice must be sent by mail, postage prepaid, to one of them at his place of residence; or in case a defense has been interposed by any defendant, such parties or their solicitors of record shall file a written agreement with such register or clerk, to deliver the papers in said cause to the

chancellor or judge of said court, together with notes of testimony in said cause, the register or clerk shall at once deliver all papers in said cause in term time or vacation to the chancellor or judge, and he shall at once render a final decree in said cause, and return the same to the register or clerk for enrollment, and said decree shall be as binding and have as full effect as if it had been rendered in term time.

Was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.	Folmar	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Kilby	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moody	Spragins
Crumpton	Moulthrop	Sprott
Espy	Nance	Stevens
Fite	Norman	Vaiden

—26

Nays, 0.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.	Fite	Moulthrop
Morrow, Pres. Pro tem	Folmar	Nance
Allen	Frazer	Norman
Atkins	Godbold	Plowman
Beasley	Kilby	Renfro
Brown, C. W.	Lovelace	Spragins
Crumpton	Merrill	Sprott
Curry	Miller	Stevens
Espy	Moody	Vaiden

—26

Nays, 0.

The bill:

S. 141. To provide for the appointment of railway policemen; to prescribe their duties and compensation.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.	Frazer	Norman
Allen	Godbold	Plowman
Beasley	Kilby	Renfro
Brown, C. W.	Lovelace	Sherrod
Crumpton	Merrill	Sloan
Curry	Miller	Spragins
Espy	Moody	Sprott
Fite	Moulthrop	Vaiden
Folmar	Nance	

—25

Nays, 0.

The bill:

S. 21. To amend an act approved August 25, 1909 entitled "an act to amend section 5231 of the code of Alabama of 1907.

Was taken up.

The following substitute offered by the committee:

A BILL

To be entitled an act to amend an act approved August 25th, 1909, entitled "an act to amend section 5231 of the code of Alabama of 1907."

Be it enacted by the Legislature of Alabama, That the act entitled, "an act to amend section 5231 of the code of Alabama," approved August 25th, 1909, be and the same is hereby amended so as to read as follows:

Section 5231. The chancery court or courts of like jurisdiction shall have original jurisdiction to divide or partition, or to sell for division or partition, any property, real or personal, held by joint owners or tenants in common; whether the defendant denies the title of complainant or sets up adverse possession or not and such courts in exercising their jurisdiction shall proceed according to their own rules and practice, and may order a private sale of any of such property when deemed advisable and to the best interest of the joint owners or tenants in common; provided, however, that when the private sale of any of such property is

authorized by such courts and such sale is made pursuant thereto, a report of such sale shall be made, under oath, to the court having jurisdiction of the subject matter thereof, whereupon it shall become the duty of the register or clerk of such court to give notice in writing by mail, postage prepaid, to the respondents in such proceedings, and if any respondent is defended by guardian ad litem such notice shall also be given such guardian ad litem; said notice shall state the fact of sale, the date of sale, to whom sold, and consideration; and said report so made to the court shall thereupon lie over twenty (20) days after the date of the mailing of such notice for the filing of objections or exceptions thereto, before any order of confirmation is made.

Was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Frazer	Nance
Allen	Godbold	Norman
Beasley	Kilby	Plowman
Brown, C. W.	Lovelace	Renfro
Crumpton	Merrill	Sloan
Espy	Miller	Spragins
Fite	Moody	Sprott
Folmar	Moulthrop	Vaiden

—23

Nays, 0.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs.:	Fite	Miller
Allen	Folmar	Moody
Atkins	Frazer	Moulthrop
Beasley	Godbold	Nance
Brown, C. W.	Justice	Norman
Brown, W. T.	Kilby	Plowman
Crumpton	Lovelace	Renfro
Espy	Merrill	Screws

Sherrod
Sloan

Spragins
Sprott

Stevens
Vaiden

—29

Nays, 0.

The bill:

S. 84. To repeal section 3174 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Allen

Atkins

Beasley

Brown, C. W.

Curry

Espy

Fite

Folmar

Frazer

Godbold

Kilby

Lovell

Merrill

Miller

Moody

Moulthrop

Norman

Plowman

Sloan

Spragins

Sprott

Stevens

Vaiden

—23

Nays, 0.

The bill:

S. 62. To provide a limitation in which proceedings to charge lands for the payments of debts of a decedent must be instituted, so far as the same applies to the rights of bona fide purchasers for value from the heir, or devisee.

Was taken up.

The following amendment offered by the committee:

Amend section 1, by striking out the words "three months after filing said claim, cause letters testamentary or of administration to be issued and proceed to subject said land to said debts, or obligation" beginning in the 13th line of the section, by substituting for and in lieu of the words so stricken the following words: "Two years after the death of the deceased file his claim and cause letters testamentary or of administration to be issued upon said estate."

Was adopted.

Yeas, 27; nays, 0,

Yeas:

Messrs.:	Frazer	Plowman
Allen	Godbold	Renfro
Atkins	Justice	Rogers
Brown, C. W.	Kilby	Screws
Brown, W. T.	Lovelace	Sherrod
Crumpton	Merrill	Spragins
Curry	Miller	Sprott
Espy	Moody	Stevens
Fite	Norman	Vaiden
Folmar		

—27

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:	Frazer	Norman
Morrow, Pres. Pro tem	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Spragins
Crumpton	Moody	Sprott
Espy	Moulthrop	Stevens
Fite	Nance	Vaiden
Folmar		

—30

Nays, 0.

The bill:

S. 143. To authorize the making of contracts for the sale or manufacture of commercial fertilizers made under special formula between manufacturers or manipulators of fertilizer and users or consumers of the same.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Atkins	Frazer	Norman
Beasley	Godbold	Plowman
Brown, C. W.	Justice	Renfro
Brown, W. T.	Kilby	Sloan
Crumpton	Merrill	Spragins
Curry	Miller	Sprott
Espy	Moody	Stevens
Fite	Moulthrop	Vaiden

—26

Nays, 0.

The Bill:

H. 73. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experiments in the several counties of Alabama, to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to ascertain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.	Beasley	Crumpton
Allen	Brown, C. W.	Fite
Atkins	Brown, W. T.	Folmar

Frazer	Miller	Renfro
Justice	Moulthrop	Rogers
Kilby	Nance	Spragins
Lovelace	Norman	Sprott
Merrill	Plowman	Vaiden

—23

Nays, 0.

The bill:

S. 63. To provide a proceeding to establish heirship and to declare the effect of such proceedings.

Was taken up.

The following amendment offered by the committee:

Amend Sec. 7 of the bill, by inserting immediately after the word "services" in fifth line of said section, the words "or did not appear."

Amend Sec. 11 by adding at the end thereof the following words, "except in cases of an unsuccessful contest in which event the costs shall be adjudged against such unsuccessful contestant."

Amend Sec. 10 by striking from the fifth and sixth lines thereof the word, "a fee of \$5.00" and substituting in lieu thereof the words "a reasonable fee."

Was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs.	Frazer	Norman
Allen	Lovelace	Renfro
Brown, C. W.	Merrill	Screws
Crumpton	Miller	Spragins
Curry	Moody	Sprott
Fite	Moulthrop	Stevens
Folmar	Nance	

—19

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.	Beasley	Espy
Allen	Brown, C. W.	Fite
Atkins	Crumpton	Folmar

Frazer	Moody	Rogers
Kilby	Moulthrop	Spragins
Lovelace	Nance	Sprott
Merrill	Renfro	Stevens
Miller		

—21

Nays, 0.

The bill:

H. 62. To require the board of education of Elmore County, Alabama, to publish the minutes of its proceedings at each regular, special, and adjourned term in the newspaper printed and published in said county, having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and publishing same.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Brown, W. T.	Moody	Spragins
Curry	Moulthrop	Sprott
Espy	Nance	Stevens
Fite	Norman	Vaiden
Folmar		

—27

Nays, 0.

The bill:

H. 33. To establish a board of Agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

Was taken up.

The following amendment offered by committee:

Amend section 2 by striking out the following words
 "such sums of the fund appropriated by this act shall
 be used for traveling expenses, clerical work, stamps,
 salaries, printing and all other expenses necessary in
 carrying out the provisions of this act."

Was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs. :	Frazer	Moulthrop
Allen	Justice	Plowman
Atkins	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Vaiden
Fite		

—21

Nays, 0.

And said bill as thus amended, was read a third time
 at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs. :	Fite	Norman
Allen	Folmar	Plowman
Atkins	Frazer	Renfro
Beasley	Kilby	Rogers
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Spragins
Crumpton	Miller	Stokes
Curry	Moulthrop	Stevens
Espy	Nance	Vaiden

—26

Nays, 0.

The bill:

S. 87. To enforce better sanitary conditions in inns,
 hotels and restaurants, and establishments providing
 like accommodations for the traveling public with re-
 spect to cooking and eating utensils, linens, beds, clos-
 ets, toilet rooms, and the screening of kitchens and serv-

ing or dining rooms, to define offenses for violations of this act and to fix fines and punishments therefor.

Was read a third time at length and passed.

Yeas, 22; nays, 2.

Yeas:

Messrs.:	Folmar	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Spragins
Crumpton	Moulthrop	Sprott
Curry	Nance	Vaiden
Fite	Norman	

—22

Nays: Messrs. Brown, W. T. Sloan.—2.

RECOMMITMENT OF BILL.

On motion of Mr. Brown, W. T.

S. 114. To provide additional methods for describing lands by parts of sections in the various townships and ranges of the State.

Was taken from to days Calendar, and recommitted to the committee on Agriculture.

ORDER TO PRINT.

On motion of Mr. Moulthrop, secretary directed to have 500 copies each of

S. 177. To provide for the holding of elections in the various counties of Alabama, and in the various cities of over six thousand population in Alabama, to decide whether or not spirituous, vinous and malt liquors may be manufactured, sold or otherwise disposed of by persons under license, or by dispensary in incorporated cities in any county, or within the corporate limits of cities of over six thousand population wherein such election is held.

And

S. 178. To regulate the manufacture and sale of spirituous, vinous and malt liquors in the State of Alabama.

Were ordered printed for the use of the Senate.

CONFERENCE COMMITTEE REPORT.

Mr. President:

We, the undersigned, who was appointed a Conference committee on the part of the House and Senate upon the disagreement of the two houses upon the Senate amendment to

H. 54. To prohibit the running or operating of what is commonly known as a pool room, or billiard room, box ball alley, ten pin alley or any place where pool or billiards are played, in Tallapoosa county, Alabama, outside of the limits and police jurisdiction of any incorporated city or town therein and to fix a punishment for a violation of the act.

Recommend that the Senate recede from its amendment and recommend the adoption of the bill as passed by the House.

Committee on part of the Senate.—Jas. D. Norman, A. S. Justice.

Committee for the House.—A. P. Fuquay, J. W. Jones, J. S. Kilburn.

On motion of Mr. Norman the Senate concurred in and adopted the above report of the conference committee.

Yeas, 24; nays, 0.

Yeas:

Messrs. :	Kilby	Plowman
Morrow, Pres. Pro tem	Lovelace	Renfro
Allen	Merrill	Rogers
Beasley	Miller	Sherrod
Brown, C. W.	Moody	Spragins
Crumpton	Moulthrop	Sprott
Espy	Nance	Stevens
Fite	Norman	Vaiden
Folmar		

—24

Nays, 0.

ADJOURNMENT.

At 1:10 o'clock p. m. on motion of Mr. Atkins, the Senate adjourned to hear Hon. C. J. Owen make an address and that the Senate stand adjourned until 11 o'clock tomorrow morning.

SIXTEENTH DAY.

Thursday, February 2nd, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Dix of the city.

ROLL CALL.

Present:

Mr. President and

Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Crumpton	Miller	Spragins
Curry	Moody	Sprott
Espy	Moulthrop	Stevens
Fite	Nance	Vaiden
Folmar	Norman	

—31

JOURNAL.

On motion of Mr. Folmar, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Hons. J. L. Clay, Robt. C. Young and Culpepper Exum, for today.

LEAVE OF ABSENCE.

Mr. Sloan was granted a leave of absence for today.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 62. To provide a limitation in which proceedings to charge lands for the payment of debts of a decedent must be instituted, so far as the same applies to the rights of bona fide purchasers for value from the heir, or devisee.

S. 63. To provide a proceeding to establish heirship and to declare the effect of such proceedings.

S. 141. To provide for the appointment of railway policemen; to prescribe their duties and compensation.

S. 84. To repeal section 3174 of the code of Alabama.

S. 20. To amend section 3164 of the code of Alabama of 1907.

S. 21. To amend an act approved August 25, 1909, entitled "an act to amend section 5231 of the code of Alabama of 1907.

S. 87. To enforce better sanitary conditions in inns, hotels, and restaurants and establishments providing like accommodations for the traveling public, with respect to cooking and eating utensils, linens, beds, closets, toilet rooms, and the screening of kitchens and serving, or dining rooms; to define offenses for violations of this act, and to fix fines and punishment therefor.

S. 143. To authorize the making of contracts for the sale or manufacture of commercial fertilizers made under special formula between manufacturers or manipulators of fertilizer and users or consumers of the same.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the report of the conference committee on the disagreement of the two Houses on the Senate amendment to the bill.

H. 54. To prohibit the running or operating of what is commonly known as a pool room, or billiard room, box ball alley, tenpin alley or any place where pool or billiards are played in Tallapoosa county, Alabama, outside of the limits and police jurisdiction of any incorporated city or town therein, and to fix a punishment for a violation of the act.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 62. To require the board of education of Elmore county, Alabama, to publish the minutes of its proceedings at each regular, special, and adjourned term in the newspaper printed and published in said county, having the largest number of bona fide subscribers; to require such board to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the treasury of said county for furnishing such copy and publishing same.

H. 73. For the advancement of agriculture and to prepare the farmers of Alabama for the coming of the boll weevil by providing for local agricultural experiments in the several counties of Alabama, to ascertain the best fertilizers for each class of soils and crops, to investigate the best methods of producing cotton profitably in the presence of the boll weevil and of the black root disease, to determine the most effective methods for controlling the boll weevil and other insect pests, to determine the most profitable field crops for each soil and the best system for growing and marketing them, to ascertain the grasses and clovers best suited to each soil, to ascertain the best varieties of fruits and vegetables and the best horticultural practices, to determine the best means of growing, feeding, and marketing live stock and poultry, to investigate other agricultural

problems, to provide for the publication of results and of related agricultural information and for other expenses of agricultural experiments, to provide for agricultural extension work in connection therewith, and to make an appropriation for these purposes and to prescribe how these funds shall be expended.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The president of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 60. To require the treasurer of each incorporated city or town in Elmore County, Alabama, to make out and deliver to the publisher of a newspaper in such city or town for publication a statement showing the receipts and disbursements of such city or town during each quarter; to provide for the designation of the newspaper to which such statement shall be delivered for publication; to fix the compensation for such publication and to provide for the payment of the same out of any funds in the city or town treasury.

H. 61. To require the Commissioners' Court of Elmore county, Alabama, to publish the minutes of its proceedings at each regular, revenue, special and adjourned terms in the newspaper printed and published in said county having the largest number of bona fide sub-

scribers; to require such court to designate such newspaper; to provide for the furnishing of copy to the publisher of such paper for publication and to provide compensation out of the treasury of said county for furnishing such copy and for publishing same.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sherrod:

S. 182. To amend section 8 of the code of Alabama of 1907.

Revision of Laws.

By Mr. Justice:

S. 183. To regulate the sale or other disposition of corn, oats, rye, barley, wheat and other grains and to provide penalties for the violations thereof.

Agriculture.

By Mr. Beasley:

S. 184. To amend section 3229 of the code of Alabama.

Judiciary.

By Mr. Beasley:

S. 185. To amend section 3236 of the code of Alabama.

Judiciary.

By Mr. Beasley:

S. 186. To amend section 3244 of the code of Alabama, 1907.

Judiciary.

By Mr. Morrow:

S. 187. To amend section 3264 and section 3265 of the code of 1907 of Alabama, as to the appointment of additional bailiffs in any court of record in any county containing 150,000 inhabitants or more and fixing their compensation.

Local Legislation.

By Mr. Morrow:

S. 188. To provide for the appointment by the sheriff of Jefferson county, Alabama, of the necessary bailiffs for the city court of Birmingham, and to provide for the payment of their compensation.

Local Legislation.

With notice and proof, as follows:

State of Alabama, }
Jefferson County. }

Personally appeared before me, John L. Barker, a notary public, in and for said county and State, J. H. F. Mosley, who being first duly sworn, on oath says: That he is the editor and publisher of the Labor Advocate; that said Labor Advocate is a weekly newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice or advertisement hereto attached and made a part hereof, was inserted and published in said Labor Advocate once a week for four consecutive weeks prior to the date hereof, said notice or advertisement appearing and being published in the issue of said paper of the following dates, to-wit: January 6th, January 13th, January 20, January 27th, 1911.

J. H. F. Moseley.

Sworn to and subscribed before me this the 28th day of January, 1911.

John L. Barker,
Notary Public.

NOTICE.

Notice is hereby given that an act to provide for the appointment by the sheriff of Jefferson county, Alabama, of the necessary bailiffs for the city court of Birmingham, and to provide for the payment of their compensation will be introduced in the next session of the Legislature of Alabama, said act to read as follows:

AN ACT

To provide for the appointment by the sheriff of Jefferson county, Alabama, of the necessary bailiffs for the city court of Birmingham, and, to provide for the payment of their compensation.

Section 1. *Be it enacted by the Legislature of Alabama*, That the sheriff of Jefferson county Alabama be and he is hereby authorized empowered and required to appoint the necessary bailiffs for the city court of Birmingham, not more than six in number, who shall be in actual and constant attendance and service upon the city court of Birmingham; that each bailiff so attending the sessions of the city court of Birmingham, shall each be entitled to a salary of sixty dollars per month, which said salary shall be due and payable out of the county treasury of Jefferson county on the first day of each month and which shall be paid by the county treasurer upon the certificate of the clerk that said bailiff or bailiffs have for the month past been in actual and constant attendance and service upon the sessions of the said court; provided, that nothing in this act shall apply to other bailiffs of said court who are not in actual and constant attendance and service upon the session of said court.

Sec. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

By Mr. Sprott (by request):

S. 189. To amend section 6211 of the code of 1907.
Revision of Laws.

By Mr. Curry:

S. 190. To provide for the building and furnishing of class rooms, an assembly hall, laboratories, work shops and other buildings for the "Alabama Girls Technical Institute," at Montevallo.

Finance and Taxation.

By Mr. Frazer:

S. 191. To amend Section 2 of an act, entitled "An Act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies," Approved August 17, 1909.

Insurance.

By Mr. Frazer:

S. 192. To amend section 3720 of the code of Alabama of 1907.

Revision of Laws.

By Mr. Stevens:

S. 193. Requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns, to be slaughtered at a public Abattoir.

Public Health.

By Mr. Stevens:

S. 194. To define and regulate the duties of the clerk of the board of revenue and road commissioners of Mobile county, Alabama, and his compensation therefor.

Local Legislation.

By Mr. Atkins:

S. 195. To amend section 1221 of the code of Alabama.

Judiciary.

By Mr. Morrow:

S. 196. To ratify and confirm conveyances by John Swann and John A. Billups, trustees, and by their successors, under and by virtue of an act of the General Assembly of Alabama, approved February 23, 1876, and known as the "Debt Settlement Act" (Acts 1875-6,

p. 130) and to declare the trust created by that act fully executed, and confirming conveyances to the beneficiary under said trust—The Alabama State Land Company—and declaring the act public and providing its recitals shall be evidence of the facts stated, in all courts of this State.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 194. To submit to the qualified voters of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1912, for their consideration, an amendment to the Constitution of the State, so as to authorize and empower the legislature from time to time by general or local laws to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Jefferson county, including the method or basis of their compensation.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message were severally read one time at length and referred to appropriate standing committee as follows:

H. 194. To Constitution and Constitutional Revision and Amendments.

ORDER TO PRINT.

On motion of Mr. Justice, the secretary was directed to have 200 copies of

S. 123. To amend section 733 of the code of 1907.

Printed for the use of the Senate.

RESOLUTION.

Mr. Allen offered the following resolution:

S. R. 36. Resolved by the Senate, That the doorkeeper be required to furnish ice for the use of the Senate during the warm weather.

Which was under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following resolution:

H. R. 37. Resolved by the House, the Senate concurring, That when the House and Senate adjourn Friday, February 3rd, 1911, they stand adjourned until Monday, February 6th, 1911, at 11:30 a. m.

And herewith send same to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House Joint Resolution in the foregoing house message was read one time and referred to appropriate standing committee as follows:

H. J. R. 37. To Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to

H. 33. To establish a board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

W. F. Herbert,
Clerk.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Percy:

H. 30. To regulate the business of buying or acquiring and disposing of junk, commonly known as "junk business" or "junk dealers."

Also:

By Mr. Molton:

H. 118. To amend section 7162 of the code of Alabama.

Also:

By Mr. Molton:

H. 119. To amend section 7164 of the code of Alabama.

Mr. Vaiden, chairman of the standing committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit: .

By Mr. Judge:

H. 22. To amend section 932 of the code of Alabama.

ADVERSE REPORT.

Mr. Renfro, chairman of the standing committee on Banking, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with an adverse report.

By Mr. Plowman:

S. 32. To amend section 4619 of the code of Alabama.

BILLS ON THIRD READING.

The bill:

S. 28. To provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing such "commercial feeding stuffs" and to fix penalties for violations of this act.

Was taken up.

The following amendment offered by the committee, to-wit No. 1:

Amend section 1, line one, by inserting the words "be it enacted by the Legislature of Alabama" between the words "section 1," and "the."

Was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Frazer	Norman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Kilby	Rogers
Atkins	Lovell	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Curry	Moody	Spragins
Espy	Moulthrop	Sprott
Folmar	Nance	Vaiden

—26

Nays, 0.

The following amendment offered by the committee was then adopted, to-wit No. 2:

Amend section 2, line 6, by adding the following words immediately after the word "parcel." "Provided that all commercial feeding stuffs shall be sold in packages, lots or parcels of fifty pounds net weight, one hundred pounds net weight, or two hundred pounds net weight.

Was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Allen	Brown, C. W.
Morrow Pres. Pro tem	Atkins	Curry

Espy	Merrill	Rogers
Folmar	Miller	Screws
Frazer	Moulthrop	Sherrod
Godbold	Nance	Sloan
Justice	Norman	Sprott
Kilby	Plowman	Vaiden
Lovelace	Renfro	

—25

Nays, 0.

The following amendment offered by the committee, to-wit No. 3:

Amend section 7, by adding the following words at the end of line 12, "the chemical analyses required under the provisions of this act shall be performed by or under the direction of the official chemist of the department of agriculture and industries at Auburn, Alabama, and for the prompt performance of said chemical work the sum of eight hundred (\$800) dollars is appropriated from the proceeds accruing from the operation of this act, said sum to be expended in the employment of an additional assistant chemist, the amount herein appropriated shall be paid quarterly, on the requisitions of the treasurer of the Alabama polytechnic institute, duly certified by the president of that institution, provided further, that in case the increase in the amount of analytical work required under the provisions of this act shall necessitate the employment of additional chemical assistance, the commissioner of agriculture and industries shall have authority, upon approval of the governor, to pay from the proceeds accruing under this act such additional sum as he may deem necessary for the employment of such chemical assistance, said sum to be paid in the manner above described."

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Beasley	Justice
Morrow, Pres. Pro tem	Brown, C. W.	Kilby
Atkins	Brown, W. T.	Lovelace
Atkins	Folmar	Miller

Moulthrop	Renfro	Sherrod
Nance	Rogers	Sprott
Plowman	Screws	Vaiden

—20

Nays, 0.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs. :	Kilby	Renfro
Morrow, Pres.Pro tem	Lovelace	Rogers
Allen	Merrill	Screws
Beasley	Miller	Sherrod
Brown, C. W.	Moulthrop	Sloan
Curry	Nance	Sprott
Fite	Norman	Stevens
Folmar	Plowman	Vaiden
Frazer		

—24

Nays, 0.

The bill:

S. 120. To amend section 1 of an act entitled an act "to provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office."

Was taken up.

Mr. Morrow offered the following amendment:

Amend by striking out the words "said auditor shall be allowed eighteen hundred (\$1800.00) dollars per annum for assistance" and inserting in lieu thereof the following: "Said auditor shall be allowed fifteen hundred (\$1500.00) dollars per annum for assistance."

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs. :	Brown, C. W.	Justice
Morrow, Pres.Pro tem	Crumpton	Miller
Allen	Curry	Moody
Atkins	Fite	Moulthrop
Beasley	Folmar	Nance

Norman	Rogers	Sprott
Plowman	Sherrod	Vaiden
Renfro	Spragins	

—22

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Kilby	Rogers
Allen	Lovelace	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Brown, C. W.	Moulthrop	Sprott
Curry	Nance	Stevens
Espy	Norman	Vaiden
Folmar		

—24

Nays, 0.

REPORT FROM RULES COMMITTEE.

Mr. Stevens, acting chairman of the standing committee on Rules, reported that said committee, in session had acted on House Joint Resolution 37 and ordered same returned to the Senate with a favorable report, with an amendment:

Upon motion of Mr. Norman, the Senate, received said report and concurred in and adopted the following amendment to said House Joint Resolution 37, to-wit:

"Amend by substituting Tuesday, February 7, 1911, in lieu of Monday, February 6, 1911.

BILLS ON THIRD READING RESUMED.

The bill:

S. 124. To amend sections 1626, 1637, 1638, 1639 and 1640 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow, Pres. Pro tem	Frazer	Rogers
Allen	Justice	Screws
Atkins	Merrill	Sloan
Brown, C. W.	Moody	Spragins
Curry	Moulthrop	Sprott
Espy	Nance	Stevens
Fite	Norman	Vaiden

—23

Nays, 0.

The bill:

S. 133. To create and establish the Juvenile Court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate in all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected, or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Kilby	Screws
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Curry	Moody	Sprott
Espy	Moulthrop	Stevens
Fite	Nance	Vaiden
Folmar	Plowman	

—28

Nays, 0.

The bill:

S. 94. To amend section 1803 (3665) of the code of Alabama.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Folmar	Norman
Morrow Pres.Pro tem	Frazer	Rogers
Allen	Justice	Screws
Atkins	Lovelace	Sherrod
Beasley	Miller	Spragins
Brown, C. W.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Espy	Nance	Vaiden
Fite		

—24

Nays, 0.

The bill:

S. 152. To repeal section 6565 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow Pres.Pro tem	Godbold	Renfro
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Moulthrop	Sprott
Espy	Nance	Stevens
Fite	Norman	

—22

Nays, 0.

The bill:

S. 128. To amend section 6573 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 23; nays, 1.

Yeas:

Messrs.:	Kilby	Renfro
Morrow, Pres.Pro tem	Lovelace	Rogers
Allen	Merrill	Screws
Atkins	Miller	Sherrod
Beasley	Moody	Spragins
Brown, C. W.	Moulthrop	Sprott
Curry	Nance	Stevens
Espy	Plowman	Vaiden

—23

Nays: Mr. Fite.—1.

The bill:

S. 155. To amend section 5144 of the code. (Making Good Friday a holiday.)

Was read a third time at length and passed.

Yeas, 15; nays, 9.

Yeas:

Messrs.:	Kilby	Rogers
Morrow, Pres.Pro tem	Lovelace	Screws
Allen	Merrill	Sherrod
Curry	Moulthrop	Stevens
Fite	Renfro	Vaiden
Folmar		

—15

Nays:

Messrs.:	Moody	Plowman
Brown, C. W.	Nance	Sloan
Justice	Norman	Sprott
Miller		

—9

The bill:

S. 51. To amend section 1216 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Beasley	Folmar
Morrow, Pres.Pro tem	Brown, C. W.	Godbold
Allen	Fite	Justice

Kilby	Nance	Sherrod
Merrill	Norman	Sloan
Miller	Renfro	Sprott
Moody	Rogers	Stevens
Moulthrop	Screws	Vaiden

—23

Nays, 0.

The bill:

S. 140. To amend section 4494 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Morrow, Pres. Pro tem	Justice	Renfro
Allen	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Curry	Moody	Spragins
Espy	Moulthrop	Sprott
Fite	Nance	Stevens
Folmar	Norman	

—28

Nays, 0.

SPECIAL ORDER SET.

On motion of Mr. Folmar:

S. 99. To provide for the regulation and licensing of dentists in the State of Alabama; to establish a board of dental examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

Was made a special order for February 8, 1911, at 12 o'clock m.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to H. J. R. 37, relative to the adjournment of the two Houses.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 24. To amend section 3237 of the civil code of 1907, providing for the time and places of holding circuit court in the seventh judicial circuit.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

H. 72. To extend the corporate existence of banks and corporations doing a banking business and of building and loan associations.

And sends same to the Senate without engrossment.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bill in the foregoing House message was read once and referred to appropriate standing committees as follows:

H. 72. To Banking.

ADJOURNMENT.

At 1:15 o'clock p. m. on motion of Mr. Norman the Senate adjourned until 11 o'clock tomorrow morning.

SEVENTEENTH DAY.

Friday, February 3rd, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Plank, of Mobile.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Folmar	Norman
Morrow Pres.Pro tem	Frazer	Plowman
Allen	Godbold	Renfro
Atkins	Justice	Rogers
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Spragins
Curry	Moody	Sprott
Espy	Moulthrop	Tunstall
Fite	Nance	Vaiden

—32

JOURNAL.

On motion of Mr. Morrow, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs. E. Perry, Thomas, L. F. Greer, S. W. John, T. L. Sowell, J. J. Robinson, Jr., J. B. Sanford, John Pelham, Seale Harris, T. Taylor and Dave Almon.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Morrow:

S. 197. To authorize any city within this State having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such construction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, viaducts or bridges as may be found and declared by the City Council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, though dedicated, the opening and use of which may be found and declared by the City Council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the vacation of which may be called for by any such contract.

Municipalities and Municipal Organizations.

By Mr. Morrow:

S. 198. To amend sections 1439, 1440 and 1441 of the code of Alabama.

Municipalities and Municipal Organizations.

By Mr. Morrow:

S. 199. To regulate the mining of coal in Alabama.
Mining and Manufacturing.

By Mr. Curry:

S. 200. To amend section 2 of an act approved August 31st, 1909.
Forrestry Conservation and Preservation of Game.

By Mr. Curry:

S. 201. To amend sections 2038 and 2039 of the code of Alabama.

Revision of Laws.

By Mr. Screws:

S. 202. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

Education.

By Mr. Plowman:

S. 203. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama.

Local Legislation.

With notice and proof as follows:

NOTICE.

Of the intention to introduce in and apply for the passage by the next Legislature of Alabama, a local act for Talladega county, substantially as follows:

AN ACT

To provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama.

Section 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Talladega county shall, at the expiration of the term of office of the present superintendent of public roads of said county, and every two years thereafter, elect his successor, whose term of office shall begin with the date

of his qualification, and to continue for two years, unless he shall be sooner removed by said court for drunkenness, neglect of duty or incompetency, or unless such court shall, as herein authorized, hereafter employ a skilled civil engineer to assume control over the public roads of said county.

Sec. 2. Be it further enacted, That before entering upon the duties of such office, such superintendent shall qualify by taking and filing the statutory oath of office, and giving bond in such sum as may be prescribed by said court, but in no event for less than one thousand dollars, payable to Talladega county, with sureties thereon, to be approved by the judge of probate of said county, which oath and bond shall be recorded in the office of the probate judge.

Sec. 3. Be it further enacted, That the superintendent of public roads shall receive a salary for each year's service, to be fixed by the court of county commissioners before he enters upon the duties of such office, such salary, to be paid in quarterly installments, at the end of each quarter, by a warrant drawn by the judge of probate on the road fund in the county treasury.

Sec. 4. Be it further enacted, That subject to the orders and direction of the said commissioners' court, the said superintendent shall have control and supervision of all the public roads of the county, as to the manner of working, repairing and maintaining the same; as to changing the present roads and locating and operating new roads; and of the execution of any contract now or hereafter made by said court for the working and repairing and opening or changing of roads, or of building or repairing bridges, culverts or causeways.

Sec. 5. Be it further enacted, That said superintendent shall have authority and it shall be his duty to appoint one or more competent resident citizens of said county as enumerators of road hands for said county, or for a specified number of precincts thereof, as shall be determined by him, each of whom shall make oath in writing, to be administered by said superintendent, that he will faithfully discharge the duties of such office, and which oath shall be filed in the office of the

judge of probate of said county and there preserved for public examination.

Sec. 6. Be it further enacted, That immediately upon the completion and filing in the office of the judge of probate of said list of road hands, the superintendent shall divide into consecutively numbered sections the public roads in each precinct, and into such lengths as he may determine, and he shall then appoint such number of overseers thereof as may be necessary for a term of one year, and to each overseer shall assign such section or sections as he may deem advisable for the proper working and maintenance of said roads. To each overseer such superintendent shall apportion such road hands for each section as the nature and character and amount of work to be done thereon renders necessary, and shall deliver to such overseer a list of such hands, and keep in his office for ready reference a duplicate thereof.

Sec. 7. Be it further enacted, That each overseer shall take and subscribe in writing before said superintendent an oath that he will faithfully perform the duties of road overseer, which shall be filed in the office of the judge of probate. To each overseer said superintendent shall deliver a commission, setting forth the section or sections over which he has been so appointed, as also the grade of the road or roads thereof. Said superintendent may at any time remove an overseer for neglect, failure or refusal to perform his duties, or for drunkenness. Upon a vacancy occurring in the office of overseer, from whatever cause, said superintendent shall fill the same, such appointee holding for the unexpired term of his predecessor.

Sec. 8. Be it further enacted, That at least four times each year said superintendent shall personally inspect all the public roads in each section, and in making such inspection shall, when practicable, be accompanied by the overseer thereof, to whom the superintendent shall make such suggestions, and give such directions as to changing roadbeds, repairing, improving and working the public roads, and building, repairing and maintaining bridges and culverts, as he may deem

proper. The superintendent shall make full report in writing of the condition of the public roads and the manner in which any contracts relating thereto have been or are being executed, to the court of county commissioners, at the February, May, August and November terms of said court in each year, and such special reports may be required at any time by said court; and he shall also make full report of like character to each regular grand jury impanelled in said county, which last mentioned report shall be submitted within the first two days after the assembling of said grand jury.

Sec. 9. Be it further enacted, That the enumerator or enumerators herein provided for shall, immediately after January first of each year, make a thorough and complete house to house canvas of said county, or of such specified precincts thereof for which he shall have been so appointed enumerator, listing the names and ages of all male residents thereof over 18 and under 45 years of age, entering the same in a book to be kept for that purpose, and opposite each name so enrolled the name or location of the house in or farm on which he resides, and the name of the public road nearest his dwelling place. The names so enrolled in said enrollment book shall be written in a plain, legible hand with ink, and upon completion of such book, it shall be forthwith filed in the office of the judge of probate of said county.

Sec. 10. Be it further enacted, That if any person proposed to be enumerated shall claim to be under 18 or over 45 years of age, said enumerator may take the affidavit of such person, or any other, as to the age of said person, which affidavit or affidavits shall be in writing, subscribed by the affiant, and shall be preserved and filed by the enumerator in the office of the judge of probate, except in such cases where the enumerator has cause to believe that perjury has been committed, and then such affidavit shall be returned to the next grand jury. In enumerating persons for road duty, any person who has lost an arm or a leg, or who shall have a proper certificate of exemption from the county medical society, shall be exempt from road service.

Sec. 11. Be it further enacted, That the enumerators herein provided for shall receive such copensation as may be fixed by the court of county commissioners, and be paid by warrant of the judge of probate out of the road fund of the county, upon proper vouchers filed with said judge, and such enumerator shall, in addition, be exempt from road service during the year he serves as such. Provided, That any enumerator may be removed by the superintendent at any time for neglect or failure to perform his duties, or for partiality or favoritism shown therein, and after his removal shall be subject to enrollment as a road hand.

Sec. 12. Be it further enacted, That the superintendent may in his discretion appoint as overseer persons who are not liable to road duty. It shall be the duty of each overseer to make quarterly reports to the superintendent of all work done by the hands, and the number of days worked by each hand, the names of all defaulters, and, until such report is made, the overseer shall not be paid his per diem.

Sec. 13. Be it further enacted, That all male inhabitants of Talladega county between the ages of 18 and 45, and not exempt from road duty under the general laws of the State (except the inhabitants of cities and towns having an acting municipal organization), shall be required to work upon the public roads of said county for 10 days in each calendar year. Provided, that said 10 days of work may be commuted by the payment to the superintendent or to the judge of probate on or before the first day in March of each year of the sum of \$4.00; or on or before the first day of April of \$4.25; or on or before the first day of May of \$4.50; or on or before the first day of June of \$4.75; or on or before the first day of July of \$5.00. Provided, that if at any time any person so liable to perform road duty is summoned or warned to work the public road, he must then work the number of days for which he is so summoned, unless he then pay to said superintendent or to the judge of probate the sum for which he may then commute said work. Provided further, that if, in response to being warned or summoned therefor, any per-

son so liable to do road duty shall do any number of days' work, such person may thereafter before being warned commute the balance or remaining portion of said ten days' work by paying the amount above specified, less 30 cents per day for the time so worked, up to July 1st of any one year, and after said July 1st, no person can commute said work. If the above specified sum is not so paid on or before the date hereinbefore fixed, the road hand, either in person, or by an able-bodied substitute, shall perform the full 10 days' labor. To the end that the road hands shall have the opportunity to pay such commutation money, it shall be the duty of the Superintendent to attend at a designated place in each precinct on a day prior to the first day of April in each year, of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct. No overseer shall be authorized at any time to receive commutation money in lieu of road service.

Sec. 14. Be it further enacted, That whenever an overseer shall determine that a public road needs repairing or working, or when the superintendent shall so direct, he shall call out such hands as have been listed to him as he may deem sufficient in number, to work for such length of time as shall be determined by him or directed by said superintendent; and if any hand shall fail or refuse to work, or to furnish an able-bodied substitute (unless he has commuted such service as hereinbefore provided) it shall be the duty of the overseer within five days from such warning to return each and every hand so failing or refusing to a justice of the peace in the precinct, or, if there be no justice in the precinct, then to the nearest justice of the peace in an adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the State. Provided, that overseers, on good excuse made under oath, which may be administered by the overseer, may excuse defaulters within five days after default. Any person making a false oath to so get excused shall be guilty of perjury and punishable therefor as provided by law.

Sec. 15. Be it further enacted, That a day's work for road hands under the provisions of this act, shall be 10 hours of actual service. The warning of hands shall be made by the overseer, in person or by substitute, by giving one day's notice to the hands, stating to them on what day and at what point on the road such hands shall report for service, or it may be made by leaving a written notice for the same length of time at the residence of the hand; but no hand shall be required to go more than six miles from his residence in working the public roads.

Sec. 16. Be it further enacted, That when a road hand listed to an overseer has performed part of his road service, and thereafter removes from such precinct, it shall be the duty of such overseer to furnish him, on demand, a written certificate showing the time he has served during the current calendar year, which certificate shall be an exemption to such road hand to the extent of the time worked, from road service in any other precinct in the county to which he may remove.

Sec. 17. Be it further enacted, That all fines imposed upon road defaulters shall be paid in lawful money, and when collected shall be paid by the justice to the county treasurer to the credit of the road fund, and shall in no event be retained or otherwise appropriated by such justice.

Sec. 18. Be it further enacted, That the court of county commissioners may, if it so determine, employ the misdemeanants sentenced to hard labor for the county in working the public roads thereof, or may let them to hire to any road contractor in the county, under such rules and regulations as it may adopt, as to feeding, clothing, housing, medical attention and guarding, but no female convict shall be worked upon public roads, but may be hired out to contractors for service for cooking, washing, sewing and such like employment in camps, stockades or prisons, or employed for such purpose under the direction of the commissioners' court. But nothing in this act contained shall prevent the commissioners' court from hiring out any and all con-

victs sentenced to hard labor for the county, as now provided by general law.

Sec. 19. Be it further enacted, That when any person sentenced to hard labor for the county is worked on under the direction and control of the public roads of said county, either the court of county commissioners, or let by it to a contractor for working on the public roads of said county, such convict shall have credit on the sentence imposed for cost, for his labor, not less than 30 cents per day, until such cost is paid or otherwise secured as provided by law, and when convicts are so worked under the direction and control of the commissioners' court, or by it let to contractors on the public roads of the county, the time so to be worked out in payment of the cost, at not less than 30 cents per day, shall be paid out of the road fund of the county upon the order of the commissioners' court to the clerk of the court in which such convict is delivered, or at the next term of the commissioners' court thereafter, and the clerk must thereupon pay the amount received of the sentence for cost to the persons entitled thereto, as provided by law.

Sec. 20. Be it further enacted, That it shall be the duty of the overseers of roads before commencing to work their roads to ascertain as near as possible what teams for plowing or hauling they will require, and to make requisition on the superintendent therefor, stating in such requisition the hauling or plowing to be done, and it shall thereupon be the duty of the superintendent to determine to what extent such requisition shall be complied with, and to either hire from private persons or furnish the teams owned by the county to fill the requisition to the extent deemed proper, or to authorize the overseer to hire such teams from private parties for such time as the superintendent may designate, and all bills for the use or hire of teams must be approved by the superintendent before payment, and no overseer shall use his own teams for work or hauling on the public roads, unless authorized in writing so to do by the superintendent. Provided, That in case of a serious casualty to a road, bridge or culvert, the

overseer may act at once and hire the necessary teams to repair the same without making requisition, but shall promptly thereafter make full report of his action to the superintendent.

Sec. 21. Be it further enacted, That the overseers of roads appointed under this act shall be paid such compensation as may be determined by the court of county commissioners, to be paid at the end of each quarter upon the approval of his report and account by the superintendent, out of the road fund, upon the warrant of the judge of probate. Provided, That the overseer shall not be paid a per diem for warning hands, but he may appoint a road hand to do that duty and excuse him from a day's work for each day he shall be engaged in warning hands.

Sec. 22. Be it further enacted, That the superintendent of roads shall be under the control and direction of the court of county commissioners, who shall require him to devote his entire time to the public roads and bridges of the county, and he shall be furnished with all necessary stationery and blanks for the use of his office, to be paid out of the road fund, and such superintendent shall keep such books and accounts, lists of overseers, enumerators and road hands as to show all transactions pertaining to the working repairing and maintenance of the public roads and bridges, and shall be provided with a desk in the court house in which to keep his books and other papers pertaining to his office.

Sec. 23. Be it further enacted, That the court of county commissioners for said county shall have authority to purchase and maintain such teams, implements, tools and material as may be deemed necessary and proper for use in working, repairing and maintaining the public roads of said county and shall be authorized to purchase right of way for new roads, or changes in roads, to contract for the grading, filling or macadamizing of any part or parts of any public road, or to employ persons to do such work under such agent as it may appoint, and to pay the same out of the road fund or not of the general fund.

Sec. 24. Be it further enacted, That when it is desired to open a new road or change an old road in said county (except under minor changes otherwise provided for) instead of a jury view, as provided by sections 5773, et seq. of the code of 1907, the court of county commissioners shall appoint a competent civil engineer to survey, to view, to locate and mark out the best route for such proposed new road or changed road, and to assess the value of the land to be taken for such new or changed road, and he must, before entering upon such duty, take and subscribe an oath to view and mark out a road to the greatest advantage to the public and after surveying and marking out the road, must make report and return the same with the necessary plat, to the court together with an assessment of the value of the land of each land owner that will be taken if the road is so opened, or the route so changed. Provided, that where minor changes can be made with the consent of the owner of the land over which such changes shall be located, or when the right of way for a new road can be acquired by donation or purchase from the land owner, then such changes may be made or a new road opened by order of the court of county commissioners entered on the minutes of said court, without proceeding under this and the succeeding sections of this act.

Sec. 25. Be it further enacted, That upon the coming in of the report and the return of the civil engineer or surveyor, as provided in section 24 of this act, the commissioners' court must cause notice to be served on the owner or owners of such tract or parcel of land over which the road has been marked, showing the route marked out, the quantity of land that will be taken from said owner, if the road is opened, and the amount of compensation that the report of the engineer shows should be paid to said owner as to the value of his land so to be taken; and appointing a day on which the court will hear any objections to said report, or to any valuations therein shown, for at least 10 days before the time set for hearing such report and any objection thereto. Said notice shall be served by the sher-

iff by personal service on the owner or owners or if such owner cannot be found, but has a residence in the county, by leaving a copy of said notice at his residence. Should it be made known to the court by the return of the engineer or surveyor, or from any other source, that the owner or owners of the land, or any part thereof, reside outside of the State, then like notice shall be given such owner or owners by publication for three successive weeks in some newspaper published in the county.

Sec. 26. Be it further enacted, That on the day appointed, as provided by section 25 of this act, the court shall proceed to act on said report of a view and assessment of valuation in all respects as provided in section 2449 of the code of 1896. Provided, that by the direction of the superintendent of roads, minor changes may be made in old roads with the consent of the owner of the land taken for such change; and, provided further, that the court of county commissioners may contract with land owners for a right of way for changing old roads or opening new roads.

Sec. 27. Be it further enacted, That it shall be the duty of the court of county commissioners of Talladega county to make and enter upon the minutes of said court at the July term, 1911, and at the same term each succeeding year, an order appropriating an amount not less than 25 per cent. of the estimated revenue coming to the county during the succeeding fiscal year, after deducting commissions for assessing and collecting such revenue, and as much more from the general fund as the said court may see proper, consistent with other demands on the county treasurer. Upon making such appropriation, the said court shall direct by a proper order and it shall be the duty of the county treasurer to open an account, to be known as the county road fund account, and whenever any money shall be paid to said treasurer for the general fund, he shall enter the proportionate part thereof, as fixed by the order of said court, to the credit of said road fund, and the remainder to the credit of the county general fund. Provided, that said road fund may from time to time be increased by additional appropriations made by said court.

Sec. 28. Be it further enacted, That the "county road fund" provided for by the preceding or any other section of this act, shall be disbursed upon the order of the court of county commissioners, as provided by this act.

Sec. 29. Be it further enacted, That it shall be the duty of the court of county commissioners of Talladega county to have this act printed for the use of said court and other courts of said county, and for the officers herein named, and persons desiring to submit bids for contracts.

Sec. 30. Be it further enacted, That the court of county commissioners shall have full power and authority to make and establish such rules and regulations, not in conflict with this act, that it may deem necessary for the proper construction, working, repairing and maintaining of the public roads, bridges and culverts of said county, and for requiring of all persons charged with any duty, power or liability under this act, a rigid performance of the accountability therefor, and for this purpose may appoint an auditor to examine into and pass upon all claims presented against the road fund, and to fix the compensation of such auditor and provide for its payment out of the road fund, or the general fund, as may be determined.

Sec. 31. Be it further enacted, That the court of county commissioners of Talladega county be and it is hereby empowered to at any time that said court may deem advisable, employ a skilled civil engineer to assume control and supervision over the public roads of said county, as to the manner of locating and surveying new roads, and as to the manner of working repairing and maintaining any of the public roads in said county; and to supervise the execution of any contract that may be made on behalf of said county, for the working, repairing, opening or changing of any other roads or bridges of said county for such salary and for such length of time as said court of commissioners shall determine. In the event such skilled civil engineer shall be so employed, the term of office of the superintendent hereinbefore provided shall automatically cease and de-

termine, and thereafter said civil engineer shall do and perform, in addition to such other duties as may be prescribed, the duties hereinbefore required of said superintendent. Provided, that the court of county commissioners may retain in the service of the county the said superintendent at such salary and to perform such duties as may be agreed upon.

Sec. 32. Be it further enacted, That except as herein otherwise provided, this act shall take effect on the 28th day of January, 1911; that when not road law for this State, as embraced in conflict with this act, the general in the code of 1907, shall govern, and that all laws or parts of laws in conflict with this act be, and the same are, hereby repealed as to Talladega county, Alabama.

State of Alabama, }
Talladega County }

Before me, Lulu M. Ryman, a notary public, in and for said county in said State, personally appeared E. L. C. Ward, who is known to me, and who being by me duly sworn, deposes and says: That affiant is the editor and publisher of the Talladega Reporter, a newspaper, published in Talladega county, Alabama. That affiant published in said newspaper for four consecutive weeks, and in the issues of said paper dated respectively, January 7, 1911, January 14, 1911, January 21, 1911, and January 28, 1911, notice of the intention to introduce in, and apply for the passage by, the Legislature of Alabama, of a proposed local act for Talladega county, Alabama, which notice stated the substance of the said proposed act, and which said notice, together with the said proposed law, are hereto attached and made a part hereof. That said publication was made without cost to the State of Alabama, and that it was made in the county of Talladega, where the matter or thing to be affected is situated.

E. L. C. Ward,
Editor.

Sworn to and subscribed before me this 1st day of February, 1911.

Lulu M. Ryman,
Notary Public.

By Mr. Beasley:

S. 204. To amend section 1996 of the code of Alabama.

Revision of Laws.

By Mr. Beasley:

S. 205. To amend section 1997 of the code of Alabama.

Revision of Laws.

By Mr. Brown, W. T.:

S. 206. To create and establish a school of Industry and Technology for Boys and Young Men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of the "Industrial and Technological Institute of Alabama" with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a Board of Control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

Education.

With notice and proof, as follows:

NOTICE.

A bill will be introduced in the next Legislature of Alabama, in substance as shown by the following caption to wit:

To be entitled an act to create and establish a school of industry and Technology for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences to provide skill labor in this state and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or in part of their board, lodging and tuition and to incorporate such institution under the name of Southern Industrial and Technological Institute of Alabama with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this state of competent jurisdiction as in cases of natural persons, to create a board of control composed of five persons, which may be increased by such board to not exceeding nine persons with right to acquire by purchase, devise, bequest or otherwise any real or personal property or both for the benefit of such school and with the authority to dispose of the same or any part thereof and to authorize an appropriation by the state to aid in the erecting of suitable school building and equipment, and with power to give a grant to students certificates of proficiency in their studies and diplomas.

E. E. Kersh,
Editor.

State of Alabama,)
St. Clair County. }

Personally appeared before me, Lee J. Merritt, a notary public, in and for said State and county, E. E. Kersh, who being duly sworn, states that he is publisher of the St. Clair County News, a newspaper published at Ragland, Alabama, and that the attached notice was published in said newspaper four consecutive weeks, viz: January 5, 12, 19 and 26, 1911.

L. J. Merritt,
Notary Public.

REPORTS OF COMMITTEES.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shorrod:

S. 182. To amend section 8 of the code of Alabama of 1907.

By Mr. Allen:

S. 179. To amend section 3418 of the code 1907, relating to leasehold estate.

By Mr. Norman (with amendment):

S. 110. To prohibit the running or operating of what is known as pool rooms or billiard rooms at any place where pool or billiards are played for pay or profit in Alabama outside of limits of police jurisdiction of any incorporated town or city, and to fix a punishment for the same.

Mr. Plowman, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Plowman:

S. 41. To amend section 1942 of the code.

By Mr. Morrow:

S. 135. To fix the basis for the assessment of the value of property for the purpose of taxation.

By Mr. Williams (with notice and proof):

H. 241. To authorize and require the treasurer of Barbour county, to pay claims which are proper charges against the fine and forfeiture fund of Barbour county, and prescribing how and when such claims shall be paid and repeal conflicting laws.

By Mr. Long (with notice and proof):

H. 11. To amend section one of an act entitled an act "to fix the fees and commissions of the deputy so-

licitor of Butler county, and to make disposition of the residue of fees and commissions earned by him," approved December 13th, 1900.

Mr. Brown, W. T., chairman of the standing committee on Education, reported said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Justice:

S. 161. To amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee in session had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kilby:

S. 130. To amend section 1251 of the code.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rylance (with notice and proof):

H. 57. To authorize the court of county commissioners of Tallapoosa county, Alabama, to borrow money not exceeding twenty thousand dollars and pay interest thereon.

By Mr. Fuquay (with notice and proof):

H. 71. To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama.

Mr. Frazer, chairman of the standing committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned

to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kilby:

S. 154. To fix the maximum amount of license and privilege taxes and other charges for the privilege of doing business to be imposed, levied or collected by municipal corporations on or from Domestic Fire Insurance Companies doing business in such municipal corporations.

Mr. Fite, chairman of the standing committee on County and County Boundaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 162. To prohibiting the selling or exhibiting for sale, any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another for the purpose of selling or exhibiting for sale any goods, wares or merchandise without the written consent of the owner of such private roads or lands in Counties in Alabama having a population of less than forty thousand inhabitants according to the last Federal Census.

By Mr. Allen:

S. 142. To authorize the county court commissioners of each county in this State to have printed a map of the county and to keep the same at the office of the probate judge for free distribution.

Mr. Justice, chairman of the standing committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Frazer:

S. 151. To regulate and define the practice of optometry in the State of Alabama, and to provide for

a State board of examination and registration and to prescribe their duties.

Mr. Brown, C. W., chairman of the standing committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills, and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lovelace (with amendment):

S. 70. To authorize the several judges of probate of the State to make a condensed record of registered electors in their respective counties and to provide compensation for such service.

By Mr. Kilby:

S. 129. To amend section 308 of the code.

By Mr. Stevens (with amendment):

S. 81. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.

By Mr. Stevens (with amendment):

S. 82. To amend section 365 of the code.

ADVERSE REPORTS.

Mr. Justice, chairman of the standing committee on Public Health, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Curry:

S. 138. To amend section 17 of an act of the Legislature of Alabama, approved August 26, 1909, said act being entitled "An act to regulate the sale, giving away or other disposition of drugs, medicines or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away or other disposition."

BILL RECALLED FROM COMMITTEE ON EDUCATION.

On motion of Mr. W. T. Brown, he is allowed to recall from the committee on Education:

S. 153. To create and establish a school of industry and technology for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of the "Industrial and Technological Institute of Alabama," with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons, to create a board of control composed of five persons which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest, or otherwise any real or personal property, or both, for the benefit of such school and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

For correction.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 124. To amend sections 1626, 1637, 1638, 1639 and 1640 of the code of Alabama of 1907.

S. 152. To repeal section 6565 of the code of Alabama of 1907.

S. 120. To amend section 1 of an act entitled an act "to provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office."

S. 51. To amend section 1216 of the code of Alabama.

S. 128. To amend section 6573 of the code of Alabama of 1907.

S. 140. To amend section 4494 of the code of Alabama of 1907.

S. 94. To amend section 1803 (3665) of the code of Alabama.

S. 155. To amend section 5144 of the code. (Making Good Friday a holiday.)

S. 28. To provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing such "commercial feeding stuffs" and to fix penalties for violations of this act.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

RESOLUTION.

Mr. Morrow offered the following resolution :

S. J. R. 37. Resolved by the Senate, the House concurring, That a committee of seven, three from the Senate and four from the House, be appointed for the purpose of visiting the mercy home industrial school, boys industrial school, and Alabama home of refuge in Jefferson county, during the recess of the Legislature between February 3rd, and February 7th, 1911, and that the actual travelling expenses of said committee be paid by the State as other Legislative expenses are paid.

Which was read and referred to the committee on Rules.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, chairman of the standing committee on Rules, reported, that said committee in session, had acted upon S. J. R. 37, and ordered same returned to the Senate with a favorable report.

Which report was received and Joint Resolution adopted.

President pro tem Morrow appointed as committee on part of the Senate: Messrs. Plowman, Godbold and Norman.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 33. To establish a board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

H. 54. To prohibit the running or operation of what is commonly known as a pool room, or billiard room, box ball alley, ten pin alley or any place where pool or billiards are played, in Tallapoosa County, Alabama, outside of the limits and police jurisdiction of any incorporated city or town therein and to fix a punishment for a violation of the act.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

ORDER TO PRINT.

On motion of Mr. Morrow, the secretary was directed to have 1,000 copies

S. 199. To regulate the mining of coal in Alabama.
Printed for the use of the Senate.

RESOLUTIONS.

Mr. Folmar offered the following resolution:

S. R. No. 38. Whereas, the Senate of Alabama is deeply impressed with and appreciative of the matutinal benefits derived from frequent and copious draughts of the pure and undefiled article of artesian water furnished by the city of Montgomery, therefore

Be it resolved, That the doorkeeper of the Senate be requested to place on the east side of the Senate chamber a sufficient supply of such water to meet the needs of such members as have become habituated to the use of it.

Which, under a suspension of the Rules, was adopted.

INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Nance

S. 59. To establish a state board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

Was indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

Montgomery, Ala., Feb. 3, 1911.

To the Senate:

I hereby submit for the advice and consent of the Senate, the following appointments for members of the board of trustees of the Alabama Polytechnic Institute:

From the second congressional district—Hon. Reuben F. Kolb, of Montgomery county.

From the sixth congressional district—Hon. John A. Rogers, of Sumter county.

From the eighth congressional district—Hon. Charles M. Sherrod, of Lawrence county.

Emmet O'Neal,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Screws, the Senate ratified and confirmed the several appointments contained in the foregoing message from the governor.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 91. To amend section 6638 of the code of Alabama of 1907.

H. 175. To amend an act entitled an act, to amend section 3613 of the code of Alabama of 1907.

H. 198. To authorize courts of County Commissioners or Boards of Revenue of any County in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

H. 239. To amend sections 698, 711, 712, 718, 730, and 731 of the code of Alabama of 1907.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate standing committees as follows:

H. 91. To Fees and Salaries.

H. 175. To Corporations.

H. 198. To Agriculture.

H. 239. To Public Health.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. Crumpton from committee on Revision of the Journal makes the following report:

Mr. President:

The committee on revision of the Journal, begs leave to report that it has carefully examined the Journals of the Senate for the fourteenth, fifteenth and sixteenth legislative days and find the same are correct as to all entries and references and complies with all constitutional requirements.

W. C. Crumpton,
Chairman.

Which was received and the Journal of the Senate for the 14th, 15th and 16th legislative days were approved by the Senate.

RECOMMITMENT OF BILL

On motion of Mr. Justice

S. 123. To amend section 733 of the code of 1907.

Was taken from to-days calendar and recommitted to the committee on Finance and Taxation.

BILLS ON THIRD READING.

The bill:

S. 144. To authorize the sale of commercial fertilizers in bags, packages or barrels of the weight of one hundred pounds and to provide for the issuance of tags of the value of one and one-half cents each to be attached thereto.

Was taken up.

Mr. Espy offered the following amendment:

Amend section 2 so as to read as follows:

Sec. 2. The auditor is hereby authorized and directed to have tags printed on suitable material with proper fastenings for attaching the same to packages, bags or barrels, of fertilizers and said tags shall have printed thereon the same words and emblems as the three cent fertilizer tags, except that they shall have printed thereon "one and one-half cents" instead of "three cents."

Which was adopted.

Yeas, 25; nays, 0.

Yeas :

Messrs. :	Fite	Plowman
Allen	Folmar	Renfro
Atkins	Frazer	Rogers
Beasley	Justice	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Spragins
Curry	Nance	Sprott
Espy	Norman	

—25

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas :

Messrs. :	Fite	Norman
Allen	Folmar	Plowman
Atkins	Godbold	Renfro
Beasley	Lovelace	Rogers
Brown, C. W.	Merrill	Screws
Brown, W. T.	Miller	Sherrod
Crumpton	Moulthrop	Spragins
Curry	Nance	Sprott
Espy		

—24

Nays, 0.

The bill :

H. 87. To amend section 3798 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas :

Messrs. :	Folmar	Plowman
Allen	Godbold	Renfro
Beasley	Lovelace	Rogers
Brown, C. W.	Merrill	Screws
Brown, W. T.	Miller	Sherrod
Crumpton	Moulthrop	Sloan
Curry	Nance	Spragins
Fite	Norman	Vaiden

—23

Nays, 0.

The bill:

H. 108. To amend section 3418 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:	Fite	Norman
Morrow Pres.Pro tem	Folmar	Plowman
Allen	Godbold	Renfro
Atkins	Justice	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Miller	Sloan
Crumpton	Moulthrop	Spragins
Curry	Nance	Vaiden
Espy		

—27

Nays, 0.

The bill:

S. 146. To amend section 7399 of the code. (Relates to riot or outbreak.)

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:	Fite	Nance
Morrow Pres.Pro tem	Folmar	Norman
Allen	Frazer	Plowman
Atkins	Godbold	Renfro
Beasley	Lovelace	Rogers
Brown, C. W.	Merrill	Screws
Brown, W. T.	Miller	Sherrod
Crumpton	Moody	Spragins
Curry	Moulthrop	Vaiden
Espy		

—27

Nays, 0.

The bill:

S. 66. To provide for the election of four county commissioners in Fayette county, Alabama, and to prescribe the manner of electing same.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Espy	Nance
Morrow Pres.Pro tem	Fite	Norman
Allen	Folmar	Plowman
Atkins	Frazer	Renfro
Beasley	Justice	Rogers
Brown, C. W.	Lovelace	Screws
Brown, W. T.	Miller	Sherrod
Crumpton	Moody	Sprott
Curry	Moulthrop	Vaiden

—26

Nays, 0.

The bill:

S. 127. To amend section four hundred and fifty (450) of the political code of nineteen hundred and seven (1907).

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Espy	Moody
Morrow Pres.Pro tem	Fite	Moulthrop
Allen	Folmar	Nance
Atkins	Frazer	Norman
Beasley	Godbold	Renfro
Brown, C. W.	Justice	Rogers
Brown, W. T.	Kilby	Screws
Crumpton	Merrill	Sherrod
Curry		

—24

Nays, 0.

The bill:

S. 46. To amend section six of an act entitled "an act to further regulate elections in the State of Alabama," approved November 23, 1907.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:	Brown, C. W.	Crumpton
Beasley	Brown, W. T.	Curry

Espy	Merrill	Renfro
Fite	Miller	Screws
Folmar	Moody	Sherrod
Frazer	Moulthrop	Spragins
Godbold	Nance	Sprott
Justice	Norman	Tunstall
Kilby	Plowman	Vaiden
Lovelace		

—27

Nays, 0.

The bill:

H. 30. To regulate the business of buying or acquiring and disposing of junk, commonly known as "junk business," or "junk dealers."

Was read a third time at length and passed.

Yeas, 19; nays, 1.

Yeas:

Messrs.:	Godbold	Norman
Morrow, Pres. Pro tem	Kilby	Renfro
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Crumpton	Miller	Tunstall
Curry	Moody	Vaiden
Folmar	Moulthrop	

—19

Nay—Mr. Justice.—1.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 37, relative to the appointment of a joint committee for the purpose of visiting the mercy home industrial school, boys industrial school, and Alabama home of refuge in Jefferson county.

Committee on part of House—Messrs. Rylance, Walden, Mulkey, and McGowan.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

BILLS ON THIRD READING RESUMED.

The bill:

H. 118. To amend section 7162 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Nays:

Messrs.	Folmar	Plowman
Morrow, Pres. Pro tem	Justice	Renfro
Allen	Kilby	Rogers
Atkins	Lovelace	Screws
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Curry	Moody	Sprott
Espy	Nance	Vaiden
Fite	Norman	

—25

Nays, 0.

The bill:

H. 119. To amend section 7164 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.	Folmar	Plowman
Morrow, Pres. Pro tem	Frazer	Rogers
Allen	Godbold	Screws
Atkins	Justice	Sherrod
Beasley	Kilby	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Tunstall
Curry	Nance	Vaiden
Fite	Norman	

—28

Nays, 0.

The bill:

H. 22. To amend section 932 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 25; nays, 2.

Yeas:

Messrs.:	Folmar	Nance
Morrow, Pres. Pro tem	Frazer	Plowman
Allen	Godbold	Renfro
Atkins	Justice	Rogers
Beasley	Kilby	Screws
Brown, W. T.	Lovell	Sherrod
Crumpton	Merrill	Sloan
Espy	Moody	Vaiden
Fite	Moulthrop	

—25

Nays: Messrs. Miller, Norman.—2.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate bill:

S. 24. To amend section 3237 of the civil code of 1907, providing for the times and places of holding circuit court in the seventh judicial circuit.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from the committee on Enrolled Bills.

The reading at length of said bill having been dispensed with by a two-thirds vote of a quorum of the Senate present.

ADJOURNMENT.

At 1:30 o'clock p. m. on motion of Mr. Frazer and in pursuance of House resolution adopted on yesterday, the Senate adjourned until Tuesday February 7th, 1911 at 12 o'clock m.

EIGHTEENTH DAY.

Tuesday, Feb. 7th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Mr. Norman, of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs.	Folmar	Rogers
Morrow, Pres. Pro tem	Godbold	Screws
Allen	Justice	Sherrod
Atkins	Kilby	Sloan
Beasley	Lovelace	Spragins
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Moody	Stevens
Crumpton	Moulthrop	Stokes
Curry	Nance	Tunstall
Espy	Norman	Vaiden
Fite	Plowman	

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JOURNAL.

On motion of Mr. Merrill, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs. Hugh Mallory, D. M. White, T. L. Smith, E. W. Pettus, Jr., D. H. Riddle, T. W. Palmer, Ex-Sen. John W. Overton, Ex. Sen. Fred L. Blackmon, J. H. Winkler, S. P. Oliver.

LEAVE OF ABSENCE.

Leave of absence for today was granted Messrs. Renfro, Frazer and Miller.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Allen:

S. 207. To amend sections 6958 and 6964 of the code of 1907, changing the time of killing doves and squirrels and fixing the time for killing robins.

Forestry, Conservation and Preservation of Game.

By Mr. Kilby:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than two thousand and not more than twenty-five thousand people according to the last federal census, or any federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Municipalities and Municipal Organizations.

By Mr. Morrow:

S. 209. To amend an act approved August 26th, 1909, entitled an act to amend section 7083 of the code of Alabama of 1907.

Public Health.

By Mr. Morrow:

S. 210. To amend section 1715 of the code of Alabama by increasing the powers and duties of the county

boards of education and courts of county commissioners in relation to the improvement of the sanitary condition of the public school houses of the State.

Public Health.

By Mr. Beasley:

S. 211. To authorize and permit common carriers to issue "passes" or free transportation to the commissioner of agriculture and industries, the clerks in the department of agriculture and industries, State and federal farm demonstration agents, agriculturists engaged in agricultural experimental work and the holding of the Farmers' institutes and in conducting educational campaigns against the boll weevil and other pests.

Commerce and Common Carriers.

By Mr. Atkins:

S. 212. To provide for refunding privilege taxes erroneously collected, and to make the necessary appropriation therefor.

Revision of Laws.

By Mr. Fite:

S. 213. To regulate the telephone and telegraph business and to provide a penalty for failure to render efficient service.

Commerce and Common Carriers.

By Mr. Fite:

S. 214. To amend section 6112 of the code of 1907 of Alabama.

Corporations.

By Mr. Fite:

S. 215. To amend section 3241 of the code of 1907 of Alabama.

Judiciary.

By Mr. Norman (by request);

S. 216. To appropriate the sum of seven thousand five hundred dollars (\$7,500.00) for the completion of the school building of the Randolph county high school located at Wedowee, the main school building being destroyed by fire November 30th, 1910.

Finance and Taxation.

By Mr. Merrill:

S. 217. To amend section 4093 of the code of Alabama.

Revision of Laws.

By Mr. Fite:

S. 218. To amend section 1761 of the 1907 code of Alabama.

Education.

By Mr. Screws:

S. 219. To provide for the payment to the Tax Assessor of Montgomery County, the sum of Seven Hundred Dollars for the year 1911, and the sum of seven hundred dollars per annum thereafter, out of the general fund of said county, as ex-officio fees to said assessor.

Local Legislation.

With notice and proof as follows:

NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama to convene on January the 10th, 1911, for the passage of an act to be entitled an act to authorize the payment of seven hundred dollars annually to the tax assessor of Montgomery county as ex officio fees to be paid out of the county treasury of Montgomery county.

State of Alabama, }
Montgomery County. }

Personally appeared before me, Alma Tillery, a notary public, in and for said State and county, Brame Hood, who states on oath that he is the advertising manager of the Montgomery Journal, and that the said attached notice appeared in said publication once a week for four weeks, on January 5th, on January 12th, on January 19th, on January 26, 1911.

Brame Hood.

Sworn to and subscribed before me this the ---- day of February, 1911.

Alma Tillery,
Notary Public.

By Mr. Morrow:

S. 220. To amend Section (4) of an act entitled an act "To further regulate the City Court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court"; approved February 26, 1907, by substituting in lieu of said Section (4) other provisions relating to the time of holding said court; the term thereof, and the trial of causes in said court.

Local Legislation.

With notice and proof as follows:

EXHIBIT "A."

Notice is hereby given of the intention to apply to the Legislature of Alabama at the present session for the passage of a law in substance as follows:

AN ACT

To amend section (4) of an act entitled: "To further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court;" Approved February 26, 1907, by substituting in lieu of said section (4) other provisions relating to the time of holding said court; the term thereof, and the trial of causes in said court.

Be it enacted by the Legislature of Alabama:

That section 4 of an act entitled: "To further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal,

power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court;" approved February 26th, 1907, be amended and said section 4 be made to read as follows: Section 4. "Said court shall be held and the office of the clerk and register thereof, and the records of said court shall be kept at the court house of said county in the city of Birmingham, or at such other place or places as may be provided by the board of revenue or other lawful authority of Jefferson county. Said court shall hold one regular term in each year commencing on the first Monday in October and ending on the last day of the succeeding September, unless said last day be on Sunday, and then on the next day preceeding; provided, however, that no actions at law shall, without the consent of both parties thereto, which consent shall be manifested by an agreement in writing between said parties, or their attorneys, filed in said cause be tried in said court during the months of March, July, August and September of the year 1911 or during said months of any succeeding year or during the two weeks commencing on the 3rd and 4th Mondays in November of the year 1911 or during said weeks of any succeeding year. During the terms of said court the judges thereof or a majority of them may take such recess or recesses as to them may seem proper and as may be consistent with the business before said court. Said court shall adopt and keep a seal which shall be and remain in the custody of the clerk and register. Be it further enacted, That all laws or parts of laws local, special or general in conflict with the provisions of this act be and the same are hereby repealed; and, be it further enacted, That this act shall go into effect immediately upon its passage and approval."

The present provisions of said section 4 referred to which it is proposed to amend as above set forth are as follows:

"Section 4. Said court shall be held, and the office of the clerk and register thereof, and the records of said

court shall be kept at the court house of said county in the city of Birmingham, or at such other place or places as may be provided by the board of revenue or other lawful authority in Jefferson county. Said court shall hold one regular term in each year commencing on the first Monday in October and ending on the last day of the succeeding June, unless said last day be on Sunday, and then on the next day preceding; and said court may hold special or adjourned terms when in the opinion of the judges of said court or a majority of them such special or adjournment terms may be necessary for a proper transaction of the business of said court; of such special terms ten days' notice shall be required. During the regular terms of said court the judges thereof or a majority of them may take such recess or recesses as to them may seem proper and as may be consistent with the business of said court. Said court shall adopt and keep a seal which shall be and remain in the custody of the clerk and register."

State of Alabama, }
Jefferson county. }

Before me, A. W. Brazleton, a notary public, in and for said State and county, personally appeared J. B. Cumming, known to me, who being by me first duly sworn, deposes and says that he is the editor of The Alabama Christian Advocate, a newspaper, published in Jefferson county, Alabama; and that there was published, without cost to the State, in the said Alabama Christian Advocate, once a week for four consecutive weeks, on January 12, 1911, January 19, 1911, January 26, 1911, and February 2, 1911, in said newspaper, a notice in words and figures as set forth in Exhibit "A" hereto attached which is expressly made a part of this affidavit.

Witness my hand and seal this 6th day of February, 1911.

J. B. Cumming.

Subscribed and sworn to before me this 6th day of February, 1911.

A. W. Brazleton,
Notary Public.

By Mr. Morrow:

S. 221. To amend section 3240 of the code of Alabama of 1907: "Tenth circuit; times and places of holding courts," by changing the time of holding said courts.

Local Legislation.

With notice and proof as follows:

EXHIBIT "A."

Notice is hereby given of the intention to apply to the Legislature of Alabama at the present session for the passage of a law in substance as follows:

AN ACT

To amend section 3240 of the code of Alabama of 1907: "Tenth circuit; times and places of holding courts," by changing the time of holding said courts.

Be it enacted by the Legislature of Alabama:

That section 3240 of the code of Alabama be amended so as to read as follows: "The circuit court in the tenth judicial circuit shall be held in each year as follows:

In the county of Jefferson—

1. Beginning on the first Monday in October, and may continue to and including the last day of the succeeding September, unless said last day be on Sunday, and then on the next day preceding; provided, however, that no actions at law shall without the consent of both parties thereto, which consent shall be manifested by an agreement in writing between said parties or their attorneys filed in said cause, be tried in said court during the months of March, July, August or September of the year 1911 or during said months of any succeeding year or during the two weeks commencing on the third and fourth Mondays in November of the year 1911 or during said weeks of any succeeding year.

2. Be it further enacted, That all laws or parts of laws local, special or general in conflict with the provisions of this act, be and the same are hereby repealed.

3. Be it further enacted, That this act shall go into effect immediately upon its passage and approval."

The present provisions of said section 3240, which it is proposed to amend, as above set forth are as follows:

"3240. (908) Tenth circuit; times and places of holding courts.—The circuit courts in the tenth judicial circuit shall be held in each year as follows:

"In the county of Jefferson—

"1. Beginning on the first Monday in October, and may continue to and including the 31st day of the succeeding December, unless said day falls on a Sunday, then to and including the following Monday.

"2. Beginning on the first Monday in January, and may continue to and including the 30th day of the succeeding June, unless said day falls on Sunday, then to and including the following Monday."

State of Alabama, }
Jefferson County. }

Before me, A. W. Brazleton, a notary public, in and for said State and county, personally appeared J. B. Cumming, known to me, who being by me first duly sworn deposes and says that he is the editor of the Alabama Christian Advocate, a newspaper published in Jefferson county, Alabama; and that there was published without cost to the State, in the said Alabama Christian Advocate once a week for four consecutive weeks on January 12, 1911, January 19, 1911, January 26, 1911, and February 2, 1911, in said newspaper, a notice in words and figures as set forth in Exhibit "A" hereto attached which is expressly made a part of this affidavit.

Witness my hand and seal this 6th day of February, 1911

~~J. B. Cumming,~~
Editor.

Subscribed and sworn to before me this 6th day of February, 1911.

A. W. Brazleton,
Notary Public.

HOUSE MESSAGE.

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is required:

H. 22. To amend section 932 of the code of Alabama.

H. 30. To regulate the business of buying or acquiring and disposing of junk, commonly known as "junk business," or "junk dealers."

H. 87. To amend section 3798 of the code of Alabama of 1907.

H. 108. To amend section 3418 of the code of Alabama.

H. 118. To amend section 7162 of the code of Alabama.

H. 119. To amend section 7164 of the code of Alabama.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The president of the Senate, in the presence of the Senate, immediately after their titles had been public-ly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing Message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 227. To amend section 7325 (5050) (3790) (360) (4361) (3708) (162) of the code of Alabama 1907.

H. 275. To amend section 1912 of the code.

H. 128. To regulate the sale of stocks of merchandise in bulk or substantial portions thereof not in ordinary course of trade, and to establish a rule of evidence relative to the same.

H. 117. To amend section 6648 of the code of Alabama.

H. 323. To provide and create a Commission form of Municipal Government and to establish same in all the Cities of Alabama which now have, or may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish Police Commissioners, Aldermen and certain other city officials; and otherwise provide for the creation and maintenance of said Commission form of Government.

And send the same herewith to the Senate.

Also:

H. 151. To repeal Section 14 and to amend Sections 15 and 16 of an act approved August 19th, 1909, providing for the construction, maintenance, improvement and protection of the public roads and bridges of Macon County, Alabama, and to provide for a special road tax therefor.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

LEGISLATIVE NOTICE.

Notice is hereby given that application will be made to and a bill introduced in the next Legislature of Alabama which convenes in January, 1911, to amend sections 14, 15 and 16 of an act to provide for the construction, maintenance, improvement and protection of the public roads and bridges of Macon county, Alabama, approved August 19th, 1909, said amendments will provide that section 14 of this act be repealed in its entirety, and

said amendments will further provide that any person subject to road duty may discharge such liability by paying the sum of three dollars instead of five as is now provided for by said act.

H. P. Merritt.

The State of Alabama, }
Macon County. }

Personally appeared before me, R. H. Powell, a notary public in and for said State and county, C. W. Hare, who being by me duly sworn, on oath says that he is the editor and proprietor of the Tuskegee News, a newspaper published weekly in the city of Tuskegee, Macon county, Alabama; that the notice of intention to introduce a bill in the present session of the Legislature of Alabama which is attached hereto and made a part of this affidavit, has been published in said Tuskegee News once a week for four (4) consecutive weeks prior to this date, to-wit on the 1st day of December, 1910, on the 8th day of December, 1910, on the 15th day of December, 1910, and on the 22nd day of December, 1910.

C. W. Hare.

Sworn to and subscribed before me this 14th day of January, 1911.

R. H. Powell,
Notary Public.

H. 155. To create the office of Assistant Solicitor for the County of Mobile, to prescribe his duties, fix his salary and provide for the method of selection for said office and the taxation as costs of solicitor fees where the said assistant solicitor prosecutes and the defendant is convicted.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

EXHIBIT "A."

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its next session, which con-

venes in the city of Montgomery during January, 1911, to enact the following:

AN ACT

To create the office of assistant solicitor for the county of Mobile, prescribe his duties, fix his salary and provide for the method of selection for said office and the taxation as costs of solicitor fees where the said assistant solicitor prosecutes and the defendant is convicted.

Section 1. *Be it enacted by the Legislature of Alabama*, That there is hereby created the office of assistant solicitor for the county of Mobile.

Sec. 2. That immediately after the passage of this act, there shall be appointed by the solicitor of Mobile county an assistant solicitor for said county, who shall be learned in the law, a resident of said county, and who shall hold office during the term of the solicitor making the appointment.

Sec. 3. That it shall be the duty of said assistant solicitor to attend the inferior criminal court of Mobile county and to prosecute all cases in said court; to attend the recorder's court of the city of Mobile, and to prosecute all State cases in said court; to attend upon and represent the State in all preliminary proceedings in capital cases before committing magistrates in the county of Mobile and habeas corpus proceedings brought for the benefit of persons imprisoned or detained in Mobile county on any charge or accusation. And said assistant solicitor shall be authorized, and it shall be his duty, when requested by the solicitor, to attend upon each term of the city court of Mobile county and prosecute or aid and assist the solicitor in the prosecution of all cases in said court, and to perform any and all other duties as are now required by law of circuit, county or city solicitors in said county, including attendance upon the grand jury in the place of the solicitor. In the performance of such duties the said assistant solicitor is

authorized to exercise all the authorities of said solicitor for Mobile county.

Sec. 4. That in each conviction in the inferior criminal court of Mobile county and the recorder's court of the city of Mobile, or other courts of like jurisdiction that may hereafter be established by law where the State is represented by the said assistant solicitor, and in each conviction on appeal from said courts there shall be taxed against the defendant, as part of costs, a solicitor's fee of three dollars; and said fees, when collected, shall be paid over to the county treasurer of Mobile county, and by him deposited as part of the general funds of said county.

Sec. 5. That the said assistant solicitor shall receive as compensation for his services as such, the sum of twenty-seven hundred dollars annually, to be paid in monthly installments by the county of Mobile out of the general funds of said county.

Sec. 6. That all laws and parts of laws, both general and special, in conflict with this act, be and the same are hereby repealed.

State of Alabama, }
Mobile County. }

Before me, William Cowley, a notary public in and for said State and county, this day personally appeared N. A. Richards, who is known to me and being by me first duly sworn, on his oath deposes and says that he is the secretary and business manager of the Item Publishing Co., a corporation engaged in the publication of the Mobile Daily Item, a newspaper; that said paper is published and issued daily in the city and county of Mobile and State of Alabama; that the notice hereto attached and marked "Exhibit A," purporting to be notice of a bill to be introduced at the coming session of the Legislature of Alabama, was published without cost to the State in the said Mobile Daily Item, once a week for four consecutive weeks, that is to say the said advertisement was published in the said newspaper on each of the following dates, to-wit: December 15th, 1910, De-

ember 22nd, 1910, December 29th, 1910, and January 5th, 1911.

Affiant on oath further says that he has personal knowledge of the above facts.

N. A. Richards.

Subscribed and sworn to before me, this 9th day of January, 1911.

William Cowley,
Notary Public, Mobile Co., Ala.

H. 178. To regulate the county court of Colbert county, prescribe its jurisdiction and powers, and provide for solicitor's fees in said court, and repeal conflicting laws.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced at the next session of the Legislature of Alabama:

AN ACT.

To regulate the county court of Colbert county; to prescribe its jurisdictions and powers, and to provide for solicitor fees in said court; and to repeal conflicting laws.

Section 1. *Be it enacted by the Legislature of Alabama*, That all laws of a general nature now in force, or which may hereafter be enacted, giving jurisdiction of misdemeanors to the circuit courts of this State, shall be held to extend to and apply to the said county court of Colbert county; although the said county court of Colbert county may not be mentioned therein, unless the contrary be expressly provided, and unless they are contrary to the provisions of this act.

Sec. 2. That the county court of Colbert county shall have original jurisdiction, concurrent with the

circuit and city courts of this State, of all misdemeanors committed in Colbert county.

Sec. 3. That in all misdemeanors commenced in the county court of Colbert county, where defendant demands a trial by jury, it shall be the duty of the judge to require him to enter into bond, with sufficient security, in such sum as such judge may deem sufficient; conditioned for his appearance at the next term of the circuit court of Colbert county, and from term to term thereafter until discharged, to answer the charge, and to return such bond, if given, to the clerk of the circuit court of Colbert county; and if the accused fails to give such bond, he must be committed to the county jail until the next term of the circuit court of Colbert county, unless he elects, in the meantime, to perform hard labor for the county, as provided by law. Provided, that such demand for a trial by a jury shall be made at or before the first term of the said county court by defendant, in person or by attorney.

Sec. 4. That in case the defendant demands a trial by jury in accordance with the preceding section, the judge of the said county court shall hand the affidavit, warrant, and a copy of the witnesses both for the State and defendant, together with the appearance bond, to the clerk of the circuit court of Colbert county, who shall place the same on his trial docket of criminal cases, and said case shall be tried in the circuit court of said county, without an indictment, and without presentment by the grand jury, or without the grand jury acting on said case.

Sec. 5. On the trial of cases sent up from the county court to the circuit court, whether the case be appealed or a demand for a trial by jury, the said circuit court shall be governed by the same rules as to evidence, practice, finding of the jury, and punishment, as if the case had originated in the circuit court.

Sec. 6 The deputy solicitor of Colbert county may collect and retain for his services all the fees and commissions earned by him in the said county court during the year.

Sec. 7. The deputy solicitor of Colbert county may collect all solicitor fees, from the clerk of the circuit court of said county, in cases where a jury trial is demanded in the county court, and the case sent up to the circuit court, if the defendant is convicted in said circuit court.

Sec. 8. The deputy solicitor of Colbert county may collect all solicitor fees from the clerk of the circuit court of said county in cases that have been appealed to the said circuit court from the county court, where the defendant is again convicted, on the same charge.

Sec. 9. The same fees shall be allowed to the deputy solicitor, in the county court, that are allowed by law in similar convictions in the circuit courts of this State.

Sec. 10. That this act shall go into effect immediately after its approval by the Governor.

State of Alabama, }
Colbert County. }

Before me, John H. Peach, a notary public, in and for said State and county, personally appeared E. M. Ragland, editor and publisher of the Sheffield Standard, who being by me duly sworn deposed and says that he is the editor and publisher of the Sheffield Standard, a newspaper published in Colbert county, Alabama, and that he was such editor and publisher during the month of December, 1910, and that the above and foregoing notice which is hereto attached and which gives notice of the intention to apply to the Legislature of Alabama for the passage of a law to regulate the county court of Colbert county prescribe its jurisdiction and powers and provide for a solicitors office in said court was published in said Sheffield Standard in the said county of Colbert, State of Alabama, for four consecutive weeks beginning on the 2nd day of December, 1910.

E. M. Ragland,

Editor of the Sheffield Standard.

Sworn to and subscribed before me on this the 10th day of January, 1911.

John H. Peach,
Notary Public.

H. 183. To repeal an act entitled an act to establish a county court of Coffee county, for Coffee county with criminal jurisdiction in misdemeanor cases, approved Feb. 8th, 1901, Local Acts of Alabama, page 861, and all subsequent and amendatory acts relating to said court; to-wit: The act approved the 29th, day of September A. D. 1903, and all other acts relating to said court investing said court with civil as well as criminal jurisdiction, and to transfer all the civil and criminal proceedings therein pending and undisposed of together with all dockets, papers and books relating to said cases in said county court of Coffee county to the circuit court of said county, wherein said Circuit court now have or may have, jurisdiction of said cases and to transfer all the papers and documents pending and undisposed of in said county court to the justices of the peace of the different precincts of said county who now have or may have jurisdiction to try and dispose of said cases; and to transfer all criminal cases now pending and undisposed of in said county court, begun by affidavit and warrant of arrest charging the commission of misdemeanors in said county with the papers and documents relating to said alleged misdemeanors to the grand juries of said county, for investigation and action.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

AN ACT TO REPEAL COUNTY COURT.

State of Alabama, }
Coffee County. }

To all whom this may concern:

Notice is hereby given for four weeks consecutively, by publication in the Enterprise Ledger, a newspaper published in Coffee county, Alabama, at the next session of the Legislature of Alabama, that application will be made for the passage of an act, to repeal an act, entitled "An Act, To establish the county court for Coffee county, with criminal jurisdiction in misdemeanor cases, approved February 8th, A. D. 1901, and also to repeal

all subsequent and amendatory acts relating to said county court, to wit, the act approved Sep. 29th, 1903, Local Acts of Alabama, 1903, page 398, which said act is in substance as follows: And which vests the said county court of Coffee county, with the right to exercise original jurisdiction and exclusive jurisdiction of all misdemeanors committed in the county, as well as those ~~pending in the circuit court of said county at the pas-~~sage of this act. That the jurisdiction of said county court shall be concurrent with the jurisdiction of justices of the peace and notaries public exercising the powers of justices of the peace in said county as authorized by law: Said act of February 8th, 1901, as amended so as to make said county court an inferior court of record and investing said court with civil jurisdiction as well as criminal in all civil matters concurrently with justices of the peace, and also with the circuit court of said county wherein the subject matter does not exceed five hundred dollars; except in civil actions of libel and slander; assault and battery; and ejectment or statutory actions in the nature of replevin: Providing for the trials by said court of all appeals from justices courts of said county in civil actions; providing for the election and qualification of a judge and solicitor for said court regulating the powers and authority of the judge of said court and making the same commensurate with the judge of the circuit court with respect to remedial writs investing jurisdiction in the said judge of said court with respect to the trial of habeas corpus cases; in said county; and regulating the practice and procedure of said court approved Sep. 29th A. D. 1903:

The following is copy of the proposed law to be enacted at said next Legislature of the State of Alabama: To wit:

AN ACT.

To repeal an act entitled an act to establish the county court of coffee county for coffee county with criminal jurisdiction in misdemeanor cases approved February

8th, 1901, Local Acts of Alabama, page 861, and all subsequent and amendatory acts relating to said court, to-wit: The act approved the 29th day of September A. D. 1903, and all other acts relating to said court investing said court with civil as well as criminal jurisdiction, and to transfer all the civil and criminal proceedings therein pending and undisposed of together with all dockets, papers and books relating to said cases in said county court of coffee county to the circuit court of said county, wherein said circuit court now have or may have, jurisdiction of said cases and to transfer all the papers and documents pending and undisposed of in said county court to the justices of the peace of the different precincts of said county who now have or may have jurisdiction to try and dispose of said cases; and to transfer all criminal cases now pending and undisposed of in said county court, begun by affidavit and warrant of arrest charging the commission of misdemeanors in said county, with the papers and documents relating to said alleged misdemeanors to the Grand juries of said county for investigation and action.

Section 1. *Be it enacted by the Legislature of the State of Alabama*, That an act entitled an act, to establish the coffee county court, with criminal jurisdiction in misdemeanor cases, approved February 8th, 1901, Local Acts page 861, be and the same is hereby repealed, but this act to take effect at 12 o'clock p. m. on the 15th day of July 1911.

And that all subsequent and amendatory acts, relating to the establishment of said county court, by said act of February 8th, 1901, to wit: The act of September 29th, 1903, Local Acts page 398, and all other acts relating to the establishment of said county court of Coffee county are hereby repealed, to take effect on said 15th day of July 1911, at 12 o'clock p. m.

Sec. 2. *Be it further enacted*, That all criminal cases pending and undisposed of in said county court, of Coffee county, on said 15, day of July 1911, at 12 o'clock p. m., under and by virtue of indictments pre-

ferred by a grand jury of Coffee county, shall be by the clerk of the circuit court of Coffee county, (who is also clerk of the county court of Coffee county), transferred to the circuit court of Coffee county, in the territorial subdivision of said county, at Elba, or Enterprise, where it appears that the offense was committed, at either of which said places the said circuit court shall have jurisdiction thereof, and shall proceed to try and dispose of the same in the said territorial subdivision of the county where the offense is alleged to have been committed. The said clerk shall also transfer all indictments, papers, books and documents relating to said criminal cases to the circuit court of said county and shall enter them on the trial docket of said circuit court for trial according to law.

Sec. 3. Be it further enacted, That in all criminal cases pending and undisposed of in said county court, at the taking effect of this act as hereinbefore provided, preferred by affidavit and warrant of arrest shall be by said clerk of the circuit court, (who is also clerk of the county court), transferred to the next session of the grand jury of said court, together with all the papers and documents relating to said charge, together with the affidavits, and warrants of arrest relating to said criminal offenses for their consideration and action.

Sec. 4. Be it further enacted, That in all civil suits pending and undisposed of in said county court, at the time of the taking effect of this act as hereinbefore provided, wherein the amount in controversy exceeds fifty dollars, the same shall, with all the papers, books and documents pertaining to said cause be transferred by the said clerk of the circuit court, who is also the clerk of the county court, to the said circuit court and there by him, entered on the docket of said circuit court for trial at Elba or Enterprise subdivision of said county, as now provided by law.

Sec. 5. Be it further enacted, That in all civil suits and proceedings in the said county court, pending and undisposed of, at the time of taking effect of this act as hereinbefore provided, wherein the amount in contro-

versy is less than fifty dollars, (other than appeal cases from justices of the peace), the said clerk shall forward a certified statement of said suits or causes, with all the papers or documents, pertaining to the same, to the justice or justices of the peace of the precinct in said county, where the cause of action arose or where the defendant in said action resides, which said justice court shall have jurisdiction to try said causes.

Sec. 6. Be it further enacted, That in all civil appeal cases, taken from justices of the peace courts, to the said county court, and remain undisposed of, at the time of the taking effect of this act, as hereinbefore provided, and are pending in said county court, at said time, shall be by the said clerk, of the circuit court, who is also clerk of the county court, transferred together with a certified statement of all the cases, documents and proceedings, including all the papers, documents and proceedings pending in the said county court, as aforesaid, to the circuit court of said county, at Elba, or Enterprise, subdivision of said county, as now established by law, and shall be by said clerk entered on the docket of said circuit court and shall be disposed of by said circuit court as appeal cases coming from justices of the peace.

Sec. 7. Be it further enacted, That all process of any kind, not here-in-other-wise provided for, which has been instituted by a justice of the peace of said county, or issued by the authority of the said county court, and made returnable to the said county court of Coffee county, shall be made returnable and considered and regarded as returned to the circuit court of said county having jurisdiction thereof or to the justices of the peace court, or other court of competent jurisdiction thereof.

That all bonds, recognizances, shall be taken, construed and enforced as if taken by the circuit court or other court of competent jurisdiction, as they had been taken to said court.

Sec. 8. Be it further enacted that all orders and judgments rendered by said county court and unsatis-

fied, as well as all executions, issued from said court, and all forfeitures rendered by said county court, shall be enforced in the same manner and with the same force and effect, as if the said orders, judgments, executions, and forfeitures had been originally made in the said circuit court of said county of Coffee, and that all proceedings for the enforcement of the said orders, judgments, executions forfeiture, shall be issued by the clerk of the circuit court of Coffee county, and returned in the same manner as it is now prescribed by law for the enforcement of said orders, judgments and forfeitures made in the circuit court of said county.

Sec. 9. Be it further enacted, That all laws, general, local, or special in conflict with the provisions of this act, be and the same are hereby repealed.

State of Alabama, }
County of Coffee. }

Before me, V. O. Warren, a notary public, in and for said county and State, this day personally appeared G. W. Carlisle, known to me to be the editor and publisher of the Peoples Ledger, a newspaper published at Enterprise, in the county of Coffee, in said State, who being by me first duly sworn, doth state on oath that he is the editor and publisher of said newspaper and that the same is and has been for more than twelve months last past published and issued regularly in weekly editions in said county and the notice hereto attached marked "Exhibit A" relating to the repeal of the acts establishing and amending the county court of Coffee county, Alabama, was published without cost to the State, once a week for four consecutive weeks, in said newspaper, and in said county, next before the making of this affidavit.

G. W. Carlisle,

Sworn to and subscribed before me, this 23rd day of January, 1911.

V. O. Warren.
Notary Public.

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair County. A Board of Road Commissioners provided for. Their appointment, how made. Vacancies, how filled. Organization of such board. Duties of the Chairman. Duties of the Secretary and Treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the Board, how done. Authority, duties and powers of the Board of Road Commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the Board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the Board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the Board. Penalty for same. Court of County Commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in County Treasury may be transferred to the Board. Disposition of funds in hands of Treasurer of Board. Proceeds arising from bond issue, to be handled by such Board. Condemnation proceedings provided. All rights, powers, duties, etc. On Commissioners' Court with reference to public roads, etc. Now conferred by general law of State available and applicable to such Board of Road Commissioners. Repeal clause.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

A bill will be introduced in the next Legislature of Alabama, in substance as shown by the following caption, to-wit:

~~To provide a more efficient system for opening, building, changing, constructing and working the public roads of St. Clair county, a board of road commissioners provided for their appointment, how made.~~

Vacancies, how filled. Organization of such board. Duties of the chairman. Duties of the secretary and treasurer. Itemized account of receipts and disbursements to be published; oath of office and bond to be given; salaries provided for; impeachments of the members of the board, how done; authority, duties and powers of the board of road commissioners; meeting, when and where held; adoption of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person, other than those sentenced to hard labor for the county shall be compelled to work on the public roads, etc. Per capita tax for road purposes provided for; method of collecting same to be provided by the board; alphabetical list of those liable to such tax to be kept by beats. No exemption from property from payment of per capita tax; may be discharged by work under direction of the board; misdemeanor to fail to pay such tax or to work 8 days; trials in name of the State; any person failing or refusing to discharge duties imposed guilty of misdemeanor; penalties provided. Misdemeanor to violate the rules and regulations, etc., adopted by the board; penalty for same; court of county commissioners to levy special taxes for road purposes, how assessed and collected; surplus in county treasury may be transferred to the board; disposition of funds in hands of treasurer of board; proceeds arising from bond issue to be handled by such board; condemnation proceedings provided; all rights, powers, duties, etc., commissioners courts with reference to public roads, etc., now conferred by general

law of State available and applicable to such board of road commissioners. Repeal clause.

The above subject to such amendments and changes as the Legislature of Alabama may make.

W. S. Forman,
W. T. Brown,
J. Fall Roberson,
LaFayette Cooke,
J. Gardner Greene,
H. I. Crandall,
J. P. Montgomery.

State of Alabama, }
St. Clair County. }

Personally appeared before me, James L. Herring, judge of probate in and for said State and county, George R. Cather, publisher, owner and editor of the Southern Aegis, a newspaper published at Ashville, in St. Clair county, Alabama, who being by me duly sworn on oath doth depose and say that the notice hereto attached appeared in said newspaper for four consecutive weeks, and that the same was duly advertised for thirty days in said newspaper, beginning on December 28th, 1910, and ending on January 11th, 1911, inclusive.

George R. Cather.

Sworn to and subscribed before me, this January 19th, 1911.

James L. Herring,
Judge of Probate St. Clair county, Ala.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 227, 275. To Agriculture.

H. 128. To Judiciary.

H. 117. To Fees and Salaries.

H. 323. To Municipalities and Municipal Organizations.

H. 151. To Public Roads and Highways.

H. 155, 169, 183. To Local Legislation.

H. 178. To Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Sprott, chairman of the standing committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time at length and placed on the calendar, to-wit:
By Mr. Percy:

H. 194. To submit to the qualified voters of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1912, for their consideration, an amendment to the Constitution of the State, so as to authorize and empower the legislature from time to time by general or local laws to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Jefferson county, including the method or basis of their compensation.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 188. To provide for the appointment by the sheriff of Jefferson county, Alabama, of the necessary bailiffs for the city court of Birmingham, and to provide for the payment of their compensation.

By Mr. Morrow:

S. 187. To amend section 3264 and section 3265 of the code of 1907 of Alabama as to the appointment of additional bailiffs in any court of record in any county

containing 150,000 inhabitants or more and fixing their compensation.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 127. To amend section four hundred and fifty (450) of the political code of nineteen hundred and seven (1907).

S. 146. To amend section 7399 of the code.

S. 66. To provide for the election of four county commissioners in Fayette county, Alabama, and to prescribe the manner of electing same.

S. 144. To authorize the sale of commercial fertilizers in bags, packages or barrels of the weight of one hundred pounds and to provide for the issuance of tags of the value of one and one-half cents each to be attached thereto.

S. 46. To amend section six of an act entitled "an act to further regulate elections in the State of Alabama," approved November 23, 1907.

S. 133. To create and establish the Juvenile Court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate in all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected, or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

jurisdiction; and conferring power on said court to ad-

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

REPORT FROM THE COMMITTEE ON REVISION OF THE
JOURNAL.

Mr. President:

The committee on revision of the Journal, begs leave to report that it has carefully examined the Journal ~~of the Senate for the seventeenth legislative day and~~ finds the same correct as to all original entries and references and that the same complies with constitutional requirements.

W. C. Crumpton,
Chairman.

On motion of Mr. Crumpton, said report was received and the Journal for the seventeenth legislative day was approved by the Senate.

RECOMMITMENT OF BILLS.

On motion of Mr. Espy

S. 107. To provide for the collecting, compiling and publishing of cotton statistics by and through the Department of Agriculture and Industries of Alabama, and to require ginners to take out and pay for license for ginning cotton, and to make reports concerning same, and to provide penalties for the violation of this act.

S. 108. To amend section 21 of the code.

And

S. 109. To amend section 19 of the code of 1907.

On today's calendar was taken therefrom and recommitment to the committee on Agriculture.

On motion of Mr. Tunstall

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes, and to prevent the hiring of such convicts to private persons or to corporations; and to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

On today's calendar, was taken therefrom and recommended to the committee on Revision of Laws.

SPECIAL ORDER SET.

On motion of Mr. Sprott

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

Was made a special order for Friday, February 10th, 1911, at 12 o'clock m.

BILLS ON THIRD READING.

The Bill:

S. 60. To repeal sections 113, 114, 115, 116, 117, 118, 119, 120 and 6686 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 14; nays, 9.

Yeas:

Messrs.:	Fite	Nance
Beasley	Folmar	Norman
Crumpton	Justice	Plowman
Curry	Merrill	Sprott
Espy	Moody	Stokes

—14

Nays:

Messrs.	Lovelace	Stevens
Allen	Rogers	Tunstall
Atkins	Sherrod	Vaiden
Brown, C. W.		

—9

The Bill:

S. 90. To amend section 3910 of the code.

Was read a third time at length and passed.

Yeas, 24; nays, 2.

Yeas:

Messrs.:	Atkins	Crumpton
Morrow, Pres. Pro tem	Brown, C. W.	Curry
Allen	Brown, W. T.	Espy

Folmar	Moulthrop	Screws
Godbold	Nance	Sherrod
Justice	Norman	Sprott
Kilby	Plowman	Stokes
Merrill	Rogers	Tunstall
Moody		

—24

Nays: Messrs. Beasley and Fite.—2.

The Bill:

S. 125. To amend section 3394 of the code of 1907.

Was taken up.

The following amendment offered by Mr. Morrow:

Amend by adding at the conclusion thereof, the following: "And recorded in the office of the judge of probate of the county in which the party so obtaining possession of the property resides, and also the county in which such property is delivered and remains; and if before the payment of the purchase money or the sum or value stipulated, the property is removed to another county, the contract must be again recorded, within three months from the time of such removal, in the county to which it is removed; and if any such property is brought into this state while subject to such condition, the contract of sale, lease, hire, or rent, must within three months thereafter be recorded in the county into which the property is brought and remains and all local or special laws in conflict herewith are expressly repealed, provided that in counties having according to the last Federal census or according to any succeeding Federal census a population of more than eighty thousand (80,000) inhabitants, such contracts of less than two hundred dollars in amount need not be filed for record as provided in this section.

Was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Brown, C. W.	Fite
Morrow, Pres. Pro tem	Crumpton	Godbold
Allen	Curry	Justice
Atkins	Espy	Kilby

Lovellace	Plowman	Stokes
Merrill	Rogers	Tunstall
Moody	Screws	Vaiden
Norman	Sprott	

—22

Nays, 0.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.	Espy	Norman
Morrow, Pres. Pro tem	Fite	Plowman
Allen	Godbold	Rogers
Atkins	Justice	Screws
Beasley	Kilby	Sprott
Brown, C. W.	Lovellace	Stevens
Crompton	Merrill	Stokes
Curry	Moody	Vaiden

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Nays, 0.

ADJOURNMENT.

At 2 o'clock on motion of Mr. Stevens, the Senate adjourned until 11 o'clock tomorrow morning.

NINETEENTH DAY.

Wednesday, Feb. 8, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Galtney, of Greenville.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar	Plowman	

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JOURNAL.

On motion of Mr. Moulthrop, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. John W. Overton, Dave White, Fred Blackmon, J. B. Martin, for today.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Brown, W. T.:

S. 222. To provide for the establishing of libraries in the rural, town and village schools of Alabama, to make an appropriation therefor, to provide for their maintenance and for their improvement and to authorize the commissioners' court or the board of revenue of

the several counties to make appropriations for the establishment and support of said libraries and to provide rules and regulations, under which said libraries shall be established and maintained.

Education.

By Mr. Moulthrop:

S. 223. To ratify, confirm, and validate all ordinances, resolutions and laws, heretofore passed by the city and town councils of any municipality in this State of less than seven thousand inhabitants, according to the census of such cities and towns on file in the office of the Secretary of State as provided by the Code of Alabama of 1907, and to ratify, confirm and validate all ordinances and laws heretofore printed in book and pamphlet form by authority of the municipalities of cities and towns under seven thousand according to the census on file in office of the Secretary of State, and to provide for their reception as such ordinances and laws in the courts of Alabama.

Municipalities and Municipal Organizations.

By Mr. Moulthrop:

S. 224. To ratify, confirm, and validate the census of the cities and towns in the State of Alabama, of seven thousand, and less, where the same has been taken as provided by the Code of Alabama, of 1907, and the report of the same filed in the office of the Secretary of State.

Municipalities and Municipal Organizations.

By Mr. Espy:

S. 225. To define the governing body, and the method of the exercise of legislative functions by the same, in cities of less than six thousand population, and in towns.

Municipalities and Municipal Organizations.

By Mr. Espy:

S. 226. To appropriate ten thousand dollars for the purpose of building dormitories for the southeast Alabama agricultural school and experiment station, located in the third congressional district, in Henry county, at Abbeville, Alabama.

Education.

By Mr. Lovelace:

S. 227. To prevent the catching of fish from Alabama waters for commercial purposes by non-residents of Alabama.

Forestry Conservation and Preservation of Game.

By Mr. Vaiden:

~~S. 228. To amend section 3234 of the code of 1907 of Alabama.~~

Judiciary.

By Mr. Godbold:

S. 229. To render competent as witnesses, husbands and wives.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee, on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stevens (with amendment):

S. 61. To amend section 3257 of the code of Alabama.

By Mr. Godbold:

S. 72. To authorize the institution of suits at law upon claims held to have been erroneously prosecuted in chancery.

By Mr. Atkins:

S. 195. To amend section 1221 of the code of Alabama.

By Mr. Morrow:

S. 196. To ratify and confirm conveyances by John Swann and John A. Billups, trustees, and by their successors, under and by virtue of an act of the General Assembly of Alabama, approved February 23, 1876, and known as the "Debt Settlement Act" (Acts 1875-6, p. 130) and to declare the trust created by that act fully executed, and confirming conveyances to the beneficiary under said trust—The Alabama State Land Company—and declaring the act public and providing

its recitals shall be evidence of the facts stated, in all courts of this State.

By Mr. Fite:

S. 165. To amend section 6634 of the 1907 code of Alabama.

By Mr. Sullivan:

S. 41. To amend section 3047 of the code of 1907.

By Mr. Parks:

H. 76. To amend section 6 of an act approved August 26th, 1909, entitled An Act to provide for the appointment of an official stenographer for each of the circuit courts and of courts of like jurisdiction for which a stenographer is not now provided by law of the State of Alabama: To prescribe his duties, to fix his compensation and to provide for the payment of the same.

By Mr. Chamberlain:

H. 68. To provide for a deputy clerk of the city court of Mobile.

By Mr. Chamberlain:

H. 39. To declare the effect of the plea of the general issue in detinue suits.

By Mr. Chamberlain:

H. 124. To provide that any deed, mortgage or other conveyance of real property purporting on its face to have been executed in the name of any corporation, by any person as President, Vice President or Secretary of such corporation, shall, when attested or acknowledged, be prima facie evidence that said person was such officer of said corporation and was duly authorized by said corporation to execute such conveyance in its name.

Mr. Brown, W. T., chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite:

S. 218. To amend section 1761 of the code of Alabama of 1907.

By Mr. Plowman:

S. 160. To amend section 1941 of the code of Alabama of 1907.

By Mr. Fite:

S. 19. To appropriate the sum of Twenty-five thousand dollars for the erection of a modern school building for the Sixth Congressional District ~~Agricultural School, located at Hamilton, the present building having become inadequate for the necessities of the school.~~

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Beasley:

S. 174. To amend section 1258 of the code of Alabama.

By Mr. Kilby:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than two thousand and not more than twenty-five thousand people according to the last federal census, or any federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report,

and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 221. To amend section 3240 of the code of Alabama of 1907: "Tenth circuit; times and places of holding courts," by changing the time of holding said courts.

By Mr. Plowman:

S. 203. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama.

By Mr. Screws:

S. 219. To provide for the payment to the Tax Assessor of Montgomery County, the sum of Seven Hundred Dollars for the year 1911, and the sum of Seven Hundred Dollars per annum thereafter, out of the general fund of said county as ex-officio fees to said assessor.

By Mr. Morrow:

S. 220. To amend Section (4) of an act entitled an act "To further regulate the City Court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court"; approved February 26, 1907, by substituting in lieu of said Section (4) other provisions relating to the time of holding said court; the term thereof, and the trial of causes in said court.

By Mr. Chamberlain:

H. 155. To create the office of Assistant solicitor for the county of Mobile, prescribe his duties, fix his salary and provide for the method of selection for said office and the taxation as costs of solicitor fees where the said assistant solicitor prosecutes and the defendant is convicted.

By Mr. Pittman:

H. 183. To repeal an act entitled an act to establish a county court of Coffee county, for Coffee county with

criminal jurisdiction in misdemeanor cases, approved Feb. 8th, 1901, Local Acts of Alabama, page 861, and all subsequent and amendatory acts relating to said court; to-wit: The act approved the 29th, day of September A. D. 1903, and all other acts relating to said court investing said court with civil as well as criminal jurisdiction, and to transfer all the civil and criminal proceedings therein pending and undisposed of together with all dockets, papers and books relating to said cases in said county court of Coffee county to the circuit court of said county, wherein said Circuit court now have or may have, jurisdiction of said cases and to transfer all the papers and documents pending and undisposed of in said county court to the justices of the peace of the different precincts of said county who now have or may have jurisdiction to try and dispose of said cases; and to transfer all criminal cases now pending and undisposed of in said county court, begun by affidavit and warrant of arrest charging the commission of misdemeanors in said county with the papers and documents relating to said alleged misdemeanors to the grand juries of said county, for investigation and action.

By Mr. Pitts:

H. 138. To amend the caption and Section three (3) of an act entitled "An Act to abolish the office of County Treasurer of Dallas County, and to require the Tax Collector and other officers of Dallas County to deposit funds belonging to the County in The City National Bank of Selma and The Selma Savings Bank, to the credit of the County and subject to the order of the Court of County Revenues." Approved Feb. 8, 1877, so as to make it read as follows."

By Mr. Hollis:

H. 93. To provide for the election of a county solicitor for Choctaw county, to define his duties and to fix his compensation.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same re-

turned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pitts:

H. 275. To amend section 1912 of the code.

By Mr. Lane:

H. 198. To authorize courts of county commissioners or boards of revenue of any county in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs to appropriate funds for aiding in such work.

By Mr. Jackson (with amendment):

H. 227. To amend section 7325 (5050) (3790) (4360-4361) (3708) (162) of the code of Alabama of 1907.

Mr. Lovelace, chairman of the standing committee on Forestry, Conservation and Preservation of Game, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Curry:

S. 137. To amend section 6733 of the code of Alabama.

By Mr. Folmar:

S. 15. To amend section six thousand nine hundred and sixty-four (6964) of the criminal code of 1907.

Mr. Atkins, chairman of the standing committee on Fees and Salaries, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lavender:

H. 91. To amend section 6638 of the code of Alabama of 1907.

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By Mr. Norman (by request) :

S. 13. To extend the corporate existence of banks and corporations doing a banking business and of building and loan associations.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

Also.

H. 182. To regulate the fine and forfeiture fund of Coffee county, and claims against said funds, and requiring all fines and forfeitures to be paid in money, and making it a misdemeanor punishable by fine for any officer collecting monies belonging to said fund to fail to pay the same to the county treasurer within sixty days from the collection thereof.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

EXHIBIT "A."

Notice of Legislation.

To all whom it may concern: Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the enactment of a law, which when enacted shall be substantially as follows:

AN ACT.

To regulate the fine and forfeiture fund of Coffee county, and claims against said funds, and requiring all fines and forfeitures to be paid in money, and making it a misdemeanor for any officer collecting moneys belonging to said fund to fail to pay the same to the

county treasurer within sixty days from the collection thereof; and punishable by fine of not less than one hundred nor more than five hundred dollars.

Section 1. *Be it enacted by the Legislature of Alabama,* That on and after the passage of this act, all fines and forfeitures and hires of convicts, and other ~~moneys which under the general laws belong to and~~ should be paid into the fine and forfeiture fund, shall be paid only in lawful currency of United States; and all moneys which accrue to said fund in said county and which may be collected by any sheriff, judge of probate, notary public, justice of the peace, constable, clerk, coroner or other officer, shall be paid to the county treasurer.

Section 2. *Be it further enacted,* That any officer who collects any such moneys shall pay the same over to the county treasurer of said county within sixty days from collection and failing to do so shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars and not exceeding five hundred dollars.

Sec. 3. *Be it further enacted,* That all fine and forfeiture claims which have not heretofore been registered by the treasurer of said county, shall be filed with the county treasurer, within ninety days from the passage of this act, and by said treasurer registered in the book or register of claims against said fine and forfeiture fund, in the order in which they are so filed with him, and all claims hereafter arising against said fund, shall likewise be filed with said treasurer within thirty days from their accrual, and registered in said book or register of claims against said fine and forfeiture fund in the order in which they are filed.

That all fine and forfeiture claims which have heretofore been registered or reregistered by said treasurer shall also be filed with the county treasurer within ninety days from the passage of this act, and again registered by said treasurer. All such claims, whether registered before the passage of this act, or if not registered, shall be registered in the order in which they are filed with said treasurer, and shall be paid in the order of said registration.

The treasurer shall endorse on each of said claims the date of its filing, and its number in the order of filing, and registration.

Sec. 4. Be it further enacted, That all such claims against said fund which shall not be filed with said treasurer as herein provided, shall be barred of payment from said fine and forfeiture fund.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

State of Alabama, }
County of Coffee. }

Before me, V. O. Warren, a notary public, in and for said county and State, this day personally appeared G. W. Carlisle, known to me to be the editor and proprietor and publisher of the Peoples Ledger, a newspaper published at Enterprise, in the county of Coffee, in said State, who being by me first duly sworn, doth state on oath that he is the editor and proprietor and publisher of said newspaper and that the same is and has been for more than twelve months last past published and issued regularly in weekly editions in said county and the notice hereto attached marked "Exhibit A" relating regulating of the fine and forfeiture of Coffee county, Alabama, was published without cost to the State, once a week for four consecutive weeks, in said newspaper, and in said county, next before the making of this affidavit.

G. W. Carlisle,

Sworn to and subscribed before me, this 23rd day of January, 1911.

V. O. Warren,
Notary Public.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 213, To Banking.

H. 182, To Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 12. To amend section 637 of the code of Alabama.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Morrow, the Senate concurred in the following amendment by the House to Senate bill 12, the title of which is set out in the foregoing message from the House, to-wit:

"Amend by making the salary of the first assistant eighteen hundred dollars and the second assistant fifteen hundred dollars per annum.

Yeas, 26; nays, 1.

Yeas:

Messrs.:	Espy	Norman
Morrow, Pres. Pro tem	Fite	Plowman
Allen	Folmar	Rogers
Atkins	Frazer	Sloan
Beasley	Godbold	Sprott
Brown, C. W.	Justice	Stevens
Brown, W. T.	Merrill	Stokes
Crumpton	Moody	Tunstall
Curry	Nance	Vaiden

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Nay—Mr. Moulthrop.—1.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 60. To repeal sections 113, 114, 115, 116, 117, 118, 119, 120 and 6686 of the code of Alabama of 1907.

S. 125. To amend section 3394 of the code of 1907.

S. 90. To amend section 3910 of the code.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

COMMUNICATIONS.

The following communications were severally read to the Senate and referred to appropriate standing committees as follows:

Birmingham, Ala., Feb. 2 1911.

Hon. W. D. Seed,
President Alabama Senate,
Montgomery, Ala.

Dear Sir:

The executive committee of the Jefferson county good roads association held a meeting Wednesday night, Feb. 1st, in the chamber of commerce and the following resolutions were introduced and unanimously adopted. As secretary of the association, I was instructed to forward you and speaker Almon a copy of these resolutions, which are as follows:

1st. Resolved, That the Jefferson county good roads association heartily endorse the State highway commission bill, which has been introduced by Speaker E. B. Almon in the House of Representatives; also the State aid bill introduced by Senator Morrow in the Senate, which are endorsed and recommended by the Alabama good roads association.

2nd. Resolved, That we urge the Legislature to speedily enact these measures into laws.

3rd. Resolved, That copy of this resolution be sent to the Speaker of the House of Representatives; also to the President of the Senate and the same be read to these bodies.

Hoping that your labor will be a great benefit to the State, we are

Yours very truly,

J. A. Rountree,
Secretary Jefferson County Good Roads Association.
To Public Roads and Highways.

Carrollton, Ala., Feb. 3rd, 1911.

Hon. Walter D. Seed,
Lieutenant Governor,
Montgomery, Ala.

My Dear Sir:

There lies in an obscure corner of the Carrollton cemetery, the dust of a citizen of the State of Alabama, ~~Samuel B. Moore, unhonored, unwept and unsung.~~

He was the representative from Jackson county for 4 terms, and in 1828 was elected to the Senate, and on the resignation of Gov. Gabriel Moore, being president of the Senate, became governor of the State.

I have the spot marked with a rude board so that "if occasion should ever require we might know where to find it."

It is a disgrace to the fair name of our State, and I beg the Legislature to pause just for a sufficient length of time to make a modest appropriation for the erection of a suitable memorial to the distinguished dead.

I suggest that the matter be placed in the hands and under the direction and control of the director of archives and history. You can certainly get together on this worthy cause.

Very respectfully,

W. G. Robertson,

To Rules.

Feb. 6, 1911.

Lieut. Gov. Walter D. Seed,
Montgomery, Ala.

Dear Sir:

I take pleasure in transmitting to you herein report on Temperance at the last session of the central baptist association and the resolution adopted by that body petitioning the Alabama Legislature not to repeal the prohibition laws, etc.

Please bring this resolution before the Senate before vote is taken on local option bill. I am transmitting like papers to the Speaker of the House.

I am certainly glad that you occupy the position you do.

Yours very truly,

John A. Darden.

To Temperance.

INDEFINITE POSTPONEMENT OF

On motion of Mr. Allen
S. 179. To amend section 3418 of the code relating to leasehold estate.
Was indefinitely postponed.

BILLS ON THIRD READING.

The Bill:

S. 79. To repeal section 6321 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 26; nays, 2.

Yeas:

Messrs.:	Espy
Morrow, Pres. Pro tem	Fite
Allen	Folmar
Atkins	Frazer
Beasley	Godbold
Brown, C. W.	Justice
Brown, W. T.	Lovell
Crumpton	Merrill
Curry	Moulthrop

Nance
Norman
Plowman
Renfro
Rogers
Sloan
Spratt
Tunstall
Vaiden

—26

Nays—Messrs. Moody, Spragins.—2.

The Bill:

S. 96. To make appropriations for the expenses of encampment, maneuvers and target practice of the Alabama National Guard for the years 1911, 1912, 1913, 1914.

Was taken up.

Mr. Vaiden offered the following amendment to said bill:

To amend section (1) one of the bill, by striking out the word "thirty" wherever it appears in the body of the section and inserting in lieu thereof, the words "twenty-five."

Which was adopted.

code of Alabama
and passed.

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Moulthrop
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Screws
Sherrod
Sloan
Spragins

Sprott
Stevens

Stokes
Tunstall

Vaiden

—25

Nays, 0.

The bill:

S. 99. To provide for the regulation and licensing of dentists in the State of Alabama; to establish a board of dental examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Plowman
Allen	Godbold	Rogers
Atkins	Justice	Screws
Brown, C. W.	Kilby	Stevens
Brown, W. T.	Lovelace	Stokes
Curry	Merrill	Tunstall
Espy	Moody	Vaiden
Fite	Moulthrop	

—25

Nays, 0.

The bill:

S. 110. To prohibit the running or operating of what is known as pool rooms or billiard rooms at any place where pool or billiards are played for pay or profit in Alabama outside of limits of police jurisdiction of any incorporated town or city, and to fix a punishment for the same.

Was taken up.

The following amendment offered by the committee on Revision of Laws:

Amend by adding after the last word in section 2 of the bill, the following words:

"Provided that the provisions of this act shall not apply to watering places and summer resorts and country clubs now in existence.

Was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs.	Folmar	Renfro
MORROW, Pres. Pro tem	Frazer	Rogers
Allen	Godbold	Screws
Atkins	Justice	Sherrod
Beasley	Kilby	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Moody	Stevens
Crumpton	Moulthrop	Stokes
Curry	Norman	Tunstall
Espy	Plowman	Vaiden
Fite		

—30

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Godbold	Renfro
MORROW, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Sherrod
Atkins	Merrill	Spragins
Beasley	Moody	Sprott
Brown, W. T.	Moulthrop	Stevens
Crumpton	Norman	Stokes
Fite	Plowman	Vaiden
Folmar		

—24

Nays, 0.

The bill:

S. 117. To establish a court of appeals for the State of Alabama.

Was taken up.

Mr. Allen offered the following amendment to said bill:

Amend the bill by adding to line five on page 9, section 14, to read as follows:

"The opinions delivered by the court of appeals hereby established, shall be published in the form and manner and under the rules and regulations that now control and apply to the opinions delivered by the supreme court; and the official reporter of the supreme court shall perform in the premises the duties in respect to the reporting of the decisions of the court of appeals as he now performs in reporting the decisions of the supreme court."

Which was adopted.

Yeas, 23; nays, 2.

Yeas:

Messrs.	Folmar	Norman
Allen	Godbold	Renfro
Atkins	Justice	Rogers
Beasley	Kilby	Sherrod
Brown, C. W.	Lovelace	Spragins
Brown, W. T.	Merrill	Stevens
Crumpton	Moody	Tunstall
Curry	Moulthrop	Vaiden

—23

Nays—Messrs. Fite and Sloan.—2.

Mr. Spragins moved to recommit said bill and amendment to committee on Judiciary.

Mr. Stevens moved to lay Mr. Spragins motion on the table, which motion prevailed.

Yeas, 17; nays, 16.

Yeas:

Messrs.:	Frazer	Renfro
MORROW, Pres. Pro tem	Godbold	Screws
Allen	Kilby	Sherrod
Atkins	Lovelace	Stevens
Curry	Merrill	Tunstall
Folmar	Moulthrop	Vaiden

—17

Nays:

Messrs.	Fite	Rogers
Beasley	Justice	Sloan
Brown, C. W.	Moody	Spragins
Brown, W. T.	Nance	Sprott
Crumpton	Norman	Stokes
Espy	Plowman	

—16

Mr. Moody then moved to make the further consideration of said bill as amended a special order for Friday, February 10, 1911 at 11:30 o'clock a. m.

~~Mr. Stevens moved to lay Mr. Moody's motion on the table, which motion was lost.~~

Yeas, 16; nays, 17.

Yeas:

Messrs.:	Godbold	Screws
MORROW, Pres. Pro tem	Kilby	Sherrod
Allen	Lovelace	Stevens
Curry	Merrill	Tunstall
Folmar	Moulthrop	Vaiden
Frazer	Renfro	

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Nays:

Messrs.:	Espy	Plowman
Atkins	Fite	Rogers
Beasley	Justice	Sloan
Brown, C. W.	Moody	Spragins
Brown, W. T.	Nance	Sprott
Crumpton	Norman	Stokes

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And Mr. Moody's motion then prevailed, and the further consideration of said bill as amended was made a special order for Friday February 10th, 1911 at 11:30 o'clock a. m.

RESOLUTION.

Mr. Beasley offered the following resolution:

By Mr. Beasley:

S. J. R. 39. Resolved by the Senate, the House Representatives concurring, That the two bodies meet in joint assembly in the House of Representatives on Saturday, the 11th day of February, 1911, at 1 p. m. for the purpose of hearing an address by Mr. Pennington, head of the good roads division of the agricultural department of Washington, D. C. on the subject of proper and necessary good roads legislation.

Which was read and referred to committee on Rules.

Nance	Screws	Stevens
Norman	Sherrod	Stokes
Plowman	Sloan	Tunstall
Renfro	Spragins	Maiden
Rogers	Sprott	

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JOURNAL.

On motion of Mr. Gorbold, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to the following Messrs. J. J. Williams, W. D. Thomas, J. S. Hunter, D. Bloch, J. Atkins, J. M. Swain, John Denon, Henry B. Stegall, T. L. Long, J. T. Leper, H. F. Rose, Sr., E. Lamar, Chambless Keith, E. P. Thomas, B. M. White.

MOTION TO RECONSIDER CONTINUED.

Mr. Crumpton in pursuance of his notice given to the Senate on yesterday moved to reconsider the vote by which the Senate on yesterday passed.

To repeal section 6321 of the code of Alabama. On motion of Mr. Tunstall, the consideration of said motion was postponed until tomorrow at one o'clock p. m.

ADVERSE REPORT OF THE STANDING COMMITTEE.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee had an adverse report on the following bills and ordered same to be read in the Senate.

By Mr. Miller, S. 139. To amend section 5066 of the code of Alabama relating to the salary of the justices of the supreme court.

By Mr. Fite: S. 105. To elect a deputy solicitor to represent the State in county courts.

By Mr. Molton: H. 28. To require notice of suits to enforce liens against mechanics in the State of Alabama having over a thousand population according to the last state census, to be filed and recorded in the office of the county wherein the claim for lien is made.

By Mr. Fite: S. 105. To elect a deputy solicitor to represent the State in county courts.

By Mr. Molton: H. 28. To require notice of suits to enforce liens against mechanics in the State of Alabama having over a thousand population according to the last state census, to be filed and recorded in the office of the county wherein the claim for lien is made.

By Mr. Fite: S. 105. To elect a deputy solicitor to represent the State in county courts.

to provide for the taking and collection and disposal of court reporter's fees in the courts of record of Marengo county.

Local Legislation.

With notice and proof, as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the regular session of the Legislature of 1911, to create the position of court reporter for Marengo county, and to provide for the appointment of such reporter and the salary of same.

Citizen.

The State of Alabama, }
Marengo County. }

I, Jno. E. Hecker, publisher of the Linden Reporter, hereby certify that the above notice was published for four consecutive weeks in the issue of said paper commencing with the issue of January 6, 1911, and ending with the issue of January 27, 1911, and that said paper was mailed regularly to the subscribers to the same.

Witness my hand, this January 28, 1911.

Jno. E. Hecker.

Sworn to and subscribed to before me this 28th day of January, 1911.

Geo. O. Miller,
Notary Public.

By Mr. Tunstall:

S. 231. To abolish the County Court of Hale County, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198, of the Code of Alabama, to repeal an act approved February 12th, 1879, entitled "An Act to confer additional jurisdiction upon the County Court of Hale County, and to regulate the proceedings therein," and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act,

together with all papers, records, processes, and everything pertaining to said causes pending in said court, by the clerk thereof to the Hale County Law and Equity Court.

Revision of Laws .

With notice and proof, as follows:

~~Notice is hereby given that a bill will be introduced~~
in the present Legislature of Alabama now in session to abolish the county court of Hale county, Alabama, and to provide for the transfer of the causes pending in said county court to the law and equity court of Hale county, Alabama.

State of Alabama, }
County of Hale. }

Before me, Charles E. Waller, a notary public in and for said State and county, this day personally appeared W. E. W. Yerby, who is known to me, and who being by me, first duly sworn to speak the truth, the whole truth and nothing but the truth, deposes and says, that he is the owner and publisher of the Greensboro Watchman, a newspaper published in Hale county, Alabama, which is a weekly newspaper, published each week in said State and county; that the notice, a copy of which is written above on this sheet of paper, was inserted in the said Greensboro Watchman, and has been published therein for four consecutive weeks, regularly appearing in four regular consecutive weekly issues of the said Greensboro Watchman, and that said notice was published without costs to the State.

Wm. E. W. Yerby.

Subscribed and sworn to before me on this the 9th day of February, 1911.

Charles E. Waller,
Notary Public in and for Hale County, Alabama.

By Mr. Tunstall:

S. 232. To require the county solicitor of Hale county, Alabama, to attend the terms of the law and equity

court of Hale county, Alabama, and to prosecute all criminal causes pending therein.

Revision of Laws.

With notice and proof, as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama now in session to require the county solicitor of Hale county, Alabama, to attend each term of the law and equity court of Hale county, Alabama, and to prosecute all criminal causes pending in said court.

State of Alabama, }
County of Hale. }

Before me, Charles E. Waller, a notary Public in and for said State and county, this day personally appeared W. E. W. Yerby, who is known to me, and who being by me, first duly sworn to speak the truth, the whole truth and nothing but the truth, deposes and says, that he is the owner and publisher of the Greensboro Watchman, a newspaper published in Hale county, Alabama, which is a weekly newspaper, published each week in said State and county; that the notice, a copy of which is written above on this sheet of paper, was inserted in the said Greensboro Watchman, and has been published therein for four consecutive weeks, regularly appearing in four regular consecutive weekly issues of the said Greensboro Watchman, and that said notice was published without costs to the State.

Wm. E. W. Yerby.

Subscribed and sworn to before me on this the 9th day of February, 1911.

Charles E. Waller,
Notary Public in and for Hale County, Alabama.

By Mr. Tunstall:

S. 233. To establish and create the Hale County Law and Equity Court; to create and define its juris-

diction; to provide its officers; their powers, duties and compensation; to fix the terms of said Court; to prescribe rules and procedure for said Court and to authorize the Judge thereof to establish such rules and procedure as may be required for a proper system of practice for said Court, and to amend the same.

Revision of Laws,

~~With notice and proof, as follows:~~

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama, a bill will be introduced, the substance of which is as follows: To establish for the county of Hale an inferior court of law and equity, which shall be a court of record; to prescribe and define the jurisdiction and powers of said court, and to provide rules of pleading and practice therefor; to provide for a judge, solicitor and other officers for said court; to fix the compensation of the judge and provide for its payment by the State; to provide for the compensation of the officers of said court and how and out of what funds the same shall be paid; to prescribe and define the authority, powers and duties of the judge, solicitor, clerk, register and other officers of said court; to prescribe and fix the terms of said court and the times when the same shall be held; to prescribe and provide at what place the records, books, papers and files of said court shall be kept; to prescribe that the clerk of the circuit court shall be ex-officio clerk of this court on the law side, and that the register of the chancery court shall be ex-officio register of this court on the equity side; to provide for appeals to said court from municipal, justices of the peace and other inferior courts of Hale county, and to provide for the binding over to the said court of defendants in criminal cases where the municipal, justice of the peace or other inferior court has not jurisdiction to try the case; to give this court exclusive jurisdiction of the trial of all indictments for misdemeanors returned by any grand jury of said county; to provide that the defendant in

misdemeanor cases shall be tried by the judge, without a jury, unless a jury trial be demanded by the defendant upon his first appearance before the judge; to prescribe and fix the fees of the officers and witnesses in said court and the way in which and the funds out of which they shall be paid; to provide for changes of venue to another county than Hale; to provide for the transfer of causes from the chancery and circuit court of said county to this court; to provide for the transfer of causes from this court to the circuit and chancery court of Hale county; to provide for the trial of civil cases without a jury unless a jury be demanded by either party as provided for in this bill; to provide for appeals from this court to the supreme court of Alabama; and to provide that the supreme court shall have appellate and supervisory jurisdiction over said court, and that no appeal shall lie from said court to the circuit or chancery courts of Hale county, but that all such appeals shall be taken direct to the supreme court; to provide that if any section or provision of said bill shall be held to be void, or unconstitutional, it shall not effect or destroy the validity or constitutionality of any other section or provision of said bill which is not of itself void or unconstitutional.

R. B. Evins, Edwin S. Jack, Thos. E. Knight, Lee M. Otts, S. W. H. Williams, Ed. deGraffenried, Charles E. Waller, P. A. Tutwiler.

The State of Alabama, }
County of Hale. }

Before me, Charles E. Waller, a notary public, in and for said State and county, this day personally appeared W. E. W. Yerby, who is known to me, and who being by me, first duly sworn to speak the truth, the whole truth and nothing but the truth, deposes and says, that he is the owner and publisher of the Greensboro Watchman, a newspaper, published in Hale county, Alabama, which is a weekly newspaper published each week in said State and county; that the notice, a copy of which is written above on this sheet of paper, was inserted in the said Greensboro Watchman, and has been publish-

ed therein for four consecutive weeks, regularly appearing in four regular consecutive weekly issues of the said Greensboro Watchman, said notice was published without costs to the State.

W. E. W. Yerby.

Subscribed and sworn to before me on this the 9th day of February, 1911.

Charles E. Waller,
Notary Public in and for Hale County, Alabama.

By Mr. Spragins:

S. 234. To amend section 6168 of the code of Alabama of 1907.

Revision of Laws.

By Mr. Kilby:

S. 235. To appropriate ten thousand dollars out of the treasury of the State for the aid of the Frances E. Willard public school, at Piedmont, Alabama.

Education.

REPORTS OF COMMITTEES.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lovelace:

S. 113. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

By Mr. Sprott (by request):

S. 189. To amend section 6211 of the code of 1907.

By Mr. Merrill:

S. 106. To repeal an act "To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been

paid out to the parties entitled thereto within two years after collected by the clerk. Approved August 26, 1909, General and Local Acts of the Special Session of 1909, and to provide for the transfer of witness fees paid into the State Treasury as provided by same. By Mr. Curry:

S. 201. To amend sections 2038 and 2039 of the code of Alabama.

By Mr. Screws (with substitute):

S. 102. To amend section 731 of the code.

By Mr. Atkins:

S. 212. To provide for refunding privilege taxes erroneously collected and to make the necessary appropriation therefor.

By Mr. Merrill:

S. 217. To amend section 4093 of the code of Alabama.

By Mr. Espy:

S. 168. To authorize the recovery of growing or un-gathered crops in an action of detinue, and to define the title on which said recovery may be had.

By Mr. Moulthrop:

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes; and to prevent the hiring of such convicts to private persons or to corporations; and to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

By Mr. Almon:

H. 178. To regulate the county court of Colbert county, prescribe its jurisdiction and powers, and provide for solicitors fees in said court, and repeal conflicting laws.

By Mr. Pitts (with amendment):

H. 19. To amend section 7276 of the code.

Mr. Spragins, chairman of the standing committee on Corporations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it

was read a second time and placed on the calendar, to-wit:

By Mr. Thomas:

H. 175. To amend an act entitled "an act to amend section 3613 of the code of Alabama of 1907."

~~Mr. Boesley, chairman of the standing committee on~~
Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merritt:

H. 151. To repeal section 14 and to amend sections 15 and 16 of an act approved August 19, 1909, providing for the construction, maintenance, improvement and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor.

Mr. Renfro, chairman of the standing committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:
By Mr. Cranford:

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

Mr. Frazer, chairman of the standing committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:
By Mr. Frazer:

S. 191. To amend Section 2 of an act, entitled "An Act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal re-

serve on or value of policies issued by them, and for the registration of such policies," Approved August 17. 1909.

Mr. C. W. Brown, chairman of the standing committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parks:

H. 66. To amend sections 3 and 5 of an act entitled "an act to further regulate elections in the State of Alabama," approved November 23, 1907.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parks:

H. 75. To amend section 6249 of the code of Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a building commission for such purpose, and to make an annual appropriation for the maintenance of such residence.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Screws, the Senate concurred in the following amendment by the House to Senate bill 2, the title of which is set out in the foregoing message from the House, to-wit:

~~Amend section 5 by striking out the words in the first~~
line "that beginning with February 1, 1911, the sum of thirty-six hundred dollars" and inserting in lieu thereof, the following: "The sum of two thousand dollars."

Amend section 5 by striking out at the end of said section the words, in the last three lines as follows: "And that said annual maintenance is provided hereby only for the years 1911, 1912, 1913 and 1914 at the rate hereinabove specified."

Yeas, 34; nays, 0.

Yeas:

Messrs.:	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar	Plewman	

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Nays, 0.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 182, To amend section 8 of the code of Alabama. of 1907.

S. 96. To make appropriations for the expenses of encampment, maneuvers and target practice of the

Alabama National Guard for the years 1911, 1912, 1913, 1914.

S. 79. To repeal section 6321 of the code of Alabama.

S. 110. To prohibit the running or operating of what is known as pool rooms or billiard rooms at any place where pool or billiards are played for pay or profit in Alabama outside of limits of police jurisdiction of any incorporated town or city, and to fix a punishment for the same.

S. 99. To provide for the regulation and licensing of dentists in the State of Alabama; to establish a board of dental examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

RESOLUTIONS.

Mr. Sherrod offered the following resolution:

S. R. 40. Whereas, A communication was received and read to the Senate of Alabama and was, by the presiding officer of the Senate, referred to the Committee on Temperance, said communication bearing date Feb. 6, 1911," and addressed to "Lieut. Gov. Walter D. Seed, Montgomery, Ala.," and signed by one "John A. Darden"; and,

Whereas, The concluding paragraph of said communication contains not only a derogatory and unjust statement reflecting upon the honesty and integrity of the individual members of this body, but an unjust and unwarranted reflection upon the Senate of Alabama, the Senate—by a majority vote—having designated, authorized and empowered the president pro tempore to name each and all of the standing committees of the Senate, Therefore:

Be it resolved by the Senate, That the secretary of the Senate be and he is hereby authorized and directed to expunge from the Journal of the Senate for the nineteenth Legislative day all that part of the concluding paragraph of said communication except the words "I am certainly glad that you occupy the position you do."

And moved that the rules be suspended and said resolution adopted, which motion prevailed unanimously.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, and they were severally read a second time and adopted:

By Mr. Stollenwerck:

H. J. R. 20. Relative to repairing and placing in running order the clock in front of the dome of the State Capitol.

Also:

By Mr. Beasley:

S. J. R. 39. Relative to the two houses meeting in joint assembly in the House of Representatives on Saturday, 11th February at 1 p. m., for the purpose of hearing an address by Mr. Pennypacker of the good roads division and agricultural department at Washington, on the subject of proper and necessary good roads legislation.

Also:

S. R. 42. Resolved that the committee on Engrossed bills, on Corporations, on Banking, on County and County Boundaries each be allowed a clerk. The clerk of the committee on Engrossed bills to also serve the committee on Federal Relations and Fees and Salaries.

The clerk of the committee on County and County Boundaries to serve the committee on Public Roads and Highways.

Also:

By Mr. Justice:

S. R. 41. Resolved, That an additional supply of the Senate Rules be printed including the names of the Senate messengers and pages.

Also:

By Mr. Moody, as follows:

A bill on the calendar is open for discussion and amendment from the time it is called for consideration until it has been ordered to be engrossed and read a third time, after it has been read a third time, it is still open to discussion, but not to amendment, until it is put on its passage.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 354. To provide for the creation of a State Highway Commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature, and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

H. 125. To authorize counties to appoint and to fix the compensation of officers to enforce the provisions of law for the prevention of cruelty to animals and the provisions of law for the prevention of cruelty to children and to confer upon said officers the power of deputy sheriffs.

H. 199. To amend section 4822 of the code of Alabama, 1907.

H. 94. To amend section 6351 of the code of Alabama of 1907, so that bail may exonerate themselves by surrendering the defendant, on an arrest by making

affidavit as to their undertaking and under said affidavit authorize other persons to arrest the defendant.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 354. To Public Roads and Highways.

H. 125. To Public Health.

H. 199. To Agriculture.

H. 94. To Revision of Laws.

BILLS ON THIRD READING.

The bill:

H. 41. To amend section 3047 of the code of 1907.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs.:	Folmar	Renfro
Morrow, Pres. Pro tem	Frazer	Rogers
Allen	Godbold	Screws
Atkins	Justice	Sherrod
Beasley	Kilby	Spragins
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Moody	Stokes
Curry	Nance	Tunstall
Espy	Plowman	Vaiden
Fite		

Nays, 0.

The bill:

S. 41. To amend section 1942 of the code.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Fite	Renfro
Morrow, Pres. Pro tem	Folmar	Screws
Allen	Frazer	Sherrod
Atkins	Kilby	Spragins
Beasley	Miller	Sprott
Brown, C. W.	Moody	Stevens
Brown, W. T.	Nance	Stokes
Curry	Norman	Tunstall
Espy	Plowman	Vaiden

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Nays, 0.

The bill:

S. 135. To fix the basis for the assessment of the value of property for the purpose of taxation.

Was read a third time at length and passed.

Yeas, 26,; nays, 3.

Yeas:

Messrs.:	Espy	Nance
Morrow, Pres. Pro tem	Fite	Renfro
Allen	Folmar	Rogers
Atkins	Justice	Sherrod
Beasley	Kilby	Sprott
Brown, C. W.	Lovelace	Stevens
Brown, W. T.	Merrill	Stokes
Crumpton	Miller	Tunstall
Curry	Moody	Vaiden

—26

Nays—Messrs. Frazer, Godbold, Spragins.—3.

Mr. Tunstall moved to reconsider the vote by which said bill S. 135 was passed, and moved to indefinitely postpone his said motion to reconsider.

Which prevailed, and action on said motion to reconsider the vote by which S. 135 was passed was indefinitely postponed.

The bill:

S. 151. To regulate and define the practice of optometry in the State of Alabama, and to provide for a State board of examination and registration and to prescribe their duties.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Fite	Plowman
Morrow Pres.Pro tem	Folmar	Renfro
Allen	Frazer	Rogers
Atkins	Godbold	Sherrod
Beasley	Justice	Spragins
Brown, C. W.	Kilby	Sprott
Brown, W. T.	Merrill	Stevens
Curry	Miller	Stokes
Espy	Moody	

—26

Nays, 0.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bill:

S. 12 To amend section 637 of the code of Alabama.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing Report from Committee on Enrolled Bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Stevens

S. 80. To amend section 3047 of the code of 1907.

Was indefinitely postponed.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate Joint Resolutions:

S. J. R. 6. Providing for the election of a United States Senator.

S. J. R. 7. Excusing Senator Bankhead from attending the Legislature at the time of his re-election.

S. J. R. 10. Adopting joint rules of the two houses of the Legislature of Alabama, session 1911.

S. J. R. 23. Providing for the election of a United States Senator.

And find same correctly Enrolled.

N. D. Godbold,
Chairman.

SIGNING OF JOINT RESOLUTIONS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate Joint Resolutions, the titles of which are set out in the foregoing report from committee on Enrolled bills.

The reading at length of said resolutions having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

STATE OF ALABAMA—EXECUTIVE DEPARTMENT.

Montgomery, Ala., Feb. 9, 1911.

To the Senate:

I hereby, submit for the advice and consent of the Senate the following appointment:

Joseph B. Scully for Adjutant-General of the Alabama National Guard with the rank of Brigadier-General.

Emmet O'Neal,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Vaiden, the Senate ratified and confirmed the appointment of Joseph B. Scully for Adjutant-General of the Alabama National Guard with the rank of Brigadier-General.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message and proposed amendment from the governor to the bill:

H. 33. To establish a board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such demonstration work in the State of Alabama.

The House has adopted the amendment proposed by the governor by a majority vote of the whole number elected to the House.

Yeas, 84; nays, 0.

And herewith sends same to the Senate for its consideration.

W. F. Herbert,
Clerk.

MESSAGE FROM THE GOVERNOR.

To the members of the House of Representatives:

I herewith return House bill 33 without my approval, and suggest the following amendment to meet my objections thereto.

Amend section four by adding at the end of said section the words "And after the same has been approved by the governor."

Emmet O'Neal,
Governor.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Screws, the Senate concurred in and adopted the amendment proposed by the governor to

H. 33. To establish a board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

Yeas, 29; nays, 0.

Yeas:

Messrs.:	Frazer	Norman
Morrow Pres.Pro tem	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Spragins
Crumpton	Miller	Sprott
Espy	Moody	Stevens
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden

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Nays, 0.

Which was a majority of the whole number elected to the Senate.

ADJOURNMENT.

At 1:35 o'clock p. m. on motion of Mr. Tunstall, the Senate adjourned until 11 o'clock tomorrow morning.

TWENTY-FIRST DAY.

Friday Feb. 10th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Neilson, of the city.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Frazer	Renfro
Morrow	Pres. Pro tem Godbold	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar	Plowman	

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JOURNAL.

On motion of Mr. Sprott, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were granted to Messrs. Bob Evans, W. A. Morris, W. P. Nealson, P. E. Waller, Judge Lackland, Ex-Senator Glenn, Judge Lee, Ed. deGraffenreid.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Moulthrop:

S. 236. Creating and defining liability of masters and employers to their servants and employees for personal injuries and to their personal representatives when such injury results in death, and providing for the exemption and distribution of damages recoverable on account thereof.

Corporations.

By Mr. Stevens:

S. 237. To amend section 3281 of the code of Alabama.

Finance and Taxation.

By Mr. Stevens:

S. 238. To provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said inspector; to fix the compensation of such inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal census, under the supervision of said inspector, and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

Municipalities and Municipal Organizations.

By Mr. Curry:

S. 239. To amend section 1128 of the code of Alabama.

Municipalities and Municipal Organizations.

By Mr. Kilby:

S. 240. To amend section 4794 of the code of Alabama.

Corporations.

By Mr. Morrow :

S. 241. To provide for and regulate the assessment, levy and collection of municipal taxes of all cities in the State of Alabama having over six thousand population according to the last State or Federal census, to define the duties of the State, county and municipal ~~officers in regard thereto~~, to fix the tax year for such cities and to make the county tax collector of each county ex-officio the collector of property tax for each of such cities within the county.

Municipalities and Municipal Organizations.

By Mr. Morrow :

S. 242. To fix and prescribe the manner and way of satisfying, or partly satisfying, the recorded liens on real property in all counties in the State of Alabama, having over fifty thousand population according to the last Federal or State census.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberson (with amendment) :

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair County. A Board of Road Commissioners provided for. Their appointment, how made. Vacancies, how filled. Organization of such board. Duties of the Chairman. Duties of the Secretary and Treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the Board, how done. Authority, duties and powers of the Board of Road Commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads,

etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the Board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the Board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the Board. Penalty for same. Court of County Commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in County Treasury may be transferred to the Board. Disposition of funds in hands of Treasurer of Board. Proceeds arising from bond issue, to be handled by such Board. Condemnation proceedings provided. All rights, powers, duties, etc. On Commissioners' Court with reference to public roads, etc. Now conferred by general law of State available and applicable to such Board of Road Commissioners. Repeal clause.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Renfro:

S. 163. To authorize courts of county commissioners or boards of revenue of any county in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

By Mr. Justice:

S. 183. To regulate the sale or other disposition of corn, oats, rye, barley, wheat and other grains, and to provide penalties for the violations thereof.

By Mr. Pegram:

H. 199. To amend section 4822 of the code of Alabama, 1901.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 197. To authorize any city within this State having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such construction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, viaducts or bridges as may be found and declared by the City Council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, though dedicated, the opening and use of which may be found and declared by the City Council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the

vacation of which may be called for by any such contract.

By Mr. Morrow:

S. 198. To amend sections 1439, 1440 and 1441 of the code of Alabama, of 1907.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 41. To amend section 1942 of the code.

S. 135. To fix the basis for the assessment of the value of property for the purpose of taxation.

S. 151. To regulate and define the practice of optometry in the State of Alabama, and to provide for a State board of examination and registration and to prescribe their duties.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

RECOMMITMENT OF BILL.

On motion of Mr. Plowman, the bill:

S. 161. To amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

With the amendment thereto offered by Mr. Allen, was recommitted to the committee on Finance and Taxation.

JOINT RESOLUTION.

Mr. Crumpton offered the following joint resolution:

Whereas, the people of the United States were promised at the presidential election of 1909, that the tariff would be revised in accordance with the long expressed wishes of the people, in order that a more equitable and just basis of revenue might be derived, and

Whereas, the people of the United States at the recent congressional and State elections held on the

eighth of November voted overwhelmingly in favor of such revision, sending to the congress of the United States such representatives as would correct at the earliest possible moment the known abuses and injustice of the existing law, especially with the end in view of ~~untaxing the food and clothing of the American people~~, and

Whereas, we believe that the voice of the people so clearly expressed, should be heeded by the lawmakers of the nation, therefore

Be it resolved, That we the Legislature of Alabama, do hereby petition His Excellency, William Howard Taft, the President of the United States, to call the congress of the United States into extra session this March, or as early thereafter as possible for the purpose of granting to the people that which they have so earnestly demanded by their ballots, and that for which they have so zealously prayed.

Which was read and referred to the committee on Rules.

BILLS ON THIRD READING.

The bill:

H. 241. To authorize and require the treasurer of Barbour county to pay claims which are proper charges against the fine and forfeiture fund of Barbour county, and prescribing how and when such claims shall be paid and repealing conflicting laws.

Was read a third time at length and passed.

Yeas, 25; nays 0.

Yeas:

Messrs.:	Godbold	Plowman
Morrow, Pres.Pro tem	Kilby	Renfro
Allen	Lovelace	Spragins
Atkins	Merrill	Sprott
Beasley	Miller	Stevens
Crumpton	Moody	Stokes
Curry	Moulthrop	Tunstall
Espy	Nance	Vaiden
Fite	Norman	

Nays, 0.

The bill:

S. 117. To establish a court of appeals for the State of Alabama.

Was taken up.

Mr. Spragins offered the following amendment to said bill:

Amend by adding immediately after the last word in section two of the bill the following words, to-wit:

Provided that as to every subject within its appellate jurisdiction the said court of appeals at any time may certify to the supreme court of Alabama any questions or propositions of law concerning which it desires the instructions of that court for its proper decision. And thereupon the supreme court may either give its instructions on the questions and propositions certified to it, which shall be binding upon the said court of appeals in such case, or it may require that the whole record and cause be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

And provided also that in any such case as is hereinbefore made final in said appellate court it shall be competent for the supreme court to require by common law certiorari, or otherwise any such case to be certified to the supreme court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the supreme court.

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Allen	Frazer	Norman
Atkins	Godbold	Renfro
Beasley	Justice	Rogers
Brown, C. W.	Kilby	Spragins
Brown, W. T.	Lovelace	Sprott
Crumpton	Merrill	Stevens
Curry	Miller	Stokes
Espy	Moody	Tunstall
Fite	Moulthrop	Vaiden

Nays, 0.

Mr. Moody then offered the following amendment to said bill:

Amend the bill by adding at the end thereof the following words, to-wit: But the decisions of the court hereby established shall be published only when a majority of the members of said court are of the opinion that such decisions should be published.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Fite	Norman
Allen	Frazer	Plowman
Atkins	Godbold	Rogers
Beasley	Kilby	Spragins
Brown, C. W.	Lovelace	Sprott
Brown, W. T.	Merrill	Stevens
Crumpton	Miller	Stokes
Curry	Moody	Tunstall
Espy	Moulthrop	Vaiden

—26

Nays, 0.

Mr. Justice moved to recommit said bill and amendment to the committee on Finance and Taxation.

Mr. Tunstall moved to lay Mr. Justice motion on the table.

Which motion prevailed and pending the further consideration of said bill.

RESOLUTION.

Mr. Beasley offered the following resolution:

S. J. R. 43. Resolved, That a joint committee on the part of the Senate and the House, consisting of three members of the Senate and five members of the House, the House concurring, be appointed to consider, prepare and submit a bill providing for a court of appeals or some method of relief as proposed in Senate bill 117—and that consideration of Senate bill 117 be postponed, awaiting the report of said committee.

Which was read and referred to the committee on Rules.

Mr. Stevens then offered the following joint resolution:

S. J. R. 44. Resolved, That a joint committee of three members on the part of the Senate and three members on the part of the House, the House concurring, be appointed to consider, prepare and submit a bill for the establishment of a court of appeals or some other method of relief as suggested by Senate bill 117 and report to the Senate and House and that consideration of Senate bill 117 be postponed awaiting the report of said committee; that said joint committee report not later than noon the 17th inst., and that the report be made a special order for Tuesday at noon the 21st inst.

Which was under a suspension of the rules, adopted and the president pro tem of the Senate appointed as:

Committee on the part of the Senate: Messrs. Stevens, Spragins and Allen.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 31. To amend section 7324 of the code of Alabama.

H. 376. To submit to the qualified electors of each of the counties in this State the question of whether or not the manufacture and sale of spirituous, vinous or malt liquors shall be legalized therein; and whether or not such liquors shall be sold by dispensaries or by private dealers under a license.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 31. To Revision of Laws.

H. 376. To Temperance.

MESSAGE FROM THE HOUSE.

Mr. President:

~~The House has originated and adopted the following~~
House joint resolution relative to the adjournment of
the two houses:

H. J. R. 46. Be it resolved by the House of Representatives the Senate concurring, That when the Houses adjourn today that they stand adjourned until Tuesday 12 m., Feb. 14.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate concurred in and adopted H. J. R. 46, set out in the foregoing message from the House.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is required:

H. 33. To establish a board of agriculture to have supervision of funds appropriated by this act for farm demonstration work in the State of Alabama and to provide a plan for carrying on such farm demonstration work in the State of Alabama.

H. 41. To amend section 3047 of the code of 1907.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.

POSTPONEMENT OF MOTION TO RECONSIDER AND SETTING
SPECIAL ORDER.

On motion of Mr. Crumpton, the consideration of motion to reconsider the vote by which:

S. 79. To repeal section 6321 of the code of Alabama.

Was passed on yesterday, was continued until 12 o'clock m. on next Tuesday and made a special order for that hour.

BILLS ON THIRD READING RESUMED.

The bill:

H. 275. To amend section 1912 of the code.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Fite	Moulthrop
Morrow, Pres. Pro tem	Frazer	Nance
Allen	Godbold	Norman
Atkins	Justice	Plowman
Beasley	Kilby	Renfro
Brown, C. W.	Lovelace	Sloan
Brown, W. T.	Merrill	Spragins
Curry	Miller	Sprott
Espy	Moody	Stokes

Nays, 0.

—26

SPECIAL ORDER SET.

On motion of Mr. Godbold

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

Was made a continuing special order for Tuesday February 14th, 1911, at 12 o'clock m.

RECOMMITMENT OF BILL.

On motion of Mr. Kilby

~~S. 154. To fix the maximum amount of license and~~
privilege taxes and other charges for the privilege of doing business to be imposed, levied or collected by municipal corporations on or from domestic fire insurance companies doing business in such municipal corporations.

On todays calendar, was recommitted to the committee on Insurance.

BILLS ON THIRD READING RESUMED.

The bill:

H. 138. To amend the caption and section three (3) of an act entitled "An act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of Dallas county to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues." "Approved Feb. 8, 1877, so as to make it read as follows."

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs. :	Frazer	Norman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Espy	Moulthrop	Stokes
Fite	Nance	

Nays, 0.

The bill:

H. 93. To provide for the election of a county solicitor for Choctaw county, to define his duties and to fix his compensation.

Was read a third time at length and passed.

Yeas 24; nays, 0.

Yeas:

Messrs.:	Fite	Nance
Morrow, Pres.Pro tem	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Spragins
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Stevens
Curry	Moulthrop	Stokes
Espy		

—24

Nays, 0.

The bill:

H. 11. To amend section one of an act entitled an act "to fix the fees and commissions of the deputy solicitor of Butler county, and to make disposition of the residue of fees and commissions earned by him," approved December 13th, 1900.

Was read a third time at length and passed.

Yeas, 24; nays, 1.

Yeas:

Messrs.:	Godbold	Plowman
Morrow, Pres.Pro tem	Kilby	Renfro
Allen	Merrill	Rogers
Brown, W. T.	Miller	Sloan
Crumpton	Moody	Spragins
Curry	Moulthrop	Stevens
Espy	Nance	Stokes
Fite	Norman	Tunstall
Frazer		

—24

Nays—Mr. Sprott.—1.

The Bill:

H. 178. To regulate the county court of Colbert county, prescribe its jurisdiction and powers, and pro-

vide for solicitor's fees in said court, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Espy	Plowman
Morrow, Pres. Pro tem	Fite	Renfro
Allen	Godbold	Sherrod
Beasley	Kilby	Spragins
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Nance	Stokes
Curry	Norman	

—22

Nays, 0.

The bill:

S. 187. To amend section 3264 and section 3265 of the code of 1907 of Alabama as to the appointment of additional bailiffs in any court of record in any county containing 150,000 inhabitants or more and fixing their compensation.

Was read a third time at length and passed, and ordered sent to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Godbold	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Sloan
Atkins	Lovelace	Spragins
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Moody	Stevens
Espy	Nance	Stokes
Fite	Plowman	Vaiden
Folmar		

—24

Nays, 0.

The bill:

S. 188. To provide for the appointment by the sheriff of Jefferson county, Alabama, of the necessary bailiffs for the city court of Birmingham, and to provide for the payment of their compensation.

Was read a third time at length and passed, and ordered sent to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Godbold	Renfro
Morrow, Pres. Pro tem	Kilby	Rogers
Allen	Lovelace	Sloan
Atkins	Merrill	Spragins
Brown, W. T.	Moody	Sprott
Curry	Nance	Stevens
Espy	Norman	Stokes
Fite	Plowman	

—22

Nays, 0.

The bill:

S. 130. To amend section 1251 of the code.

Was taken up.

Mr. Kilby offered the following amendment to said bill:

Strike out all after the words "one or both" in the tenth line of the bill and insert in lieu thereof:

All offenses against the criminal laws of the State now in force or hereafter enacted which is committed within the limits of any municipality or within the police jurisdiction thereof not amounting to a felony, shall be deemed a violation of the laws and ordinances of said municipality, and said criminal laws shall be a part of the laws and ordinances of each municipality of this State, without further adoption by the said municipalities, and the violation of such statutes shall be punishable as herein set forth.

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Justice	Plowman
Allen	Kilby	Renfro
Atkins	Lovelace	Screws
Brown, W. T.	Merrill	Spragins
Curry	Miller	Sprott
Espy	Nance	Stevens
Fite	Norman	Stokes

—20

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Kilby	Plowman
Allen	Lovelace	Renfro
Atkins	Merrill	Rogers
Brown, W. T.	Miller	Sprott
Curry	Nance	Stokes
Fite	Norman	Tunstall
Justice		

—18

Nays, 0.

The Bill:

H. 68. To provide for a deputy clerk for the city court of Mobile.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Espy	Plowman
Morrow, Pres.Pro tem	Fite	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Spragins
Beasley	Lovelace	Sprott
Brown, C. W.	Merrill	Stevens
Brown, W. T.	Moulthrop	Stokes
Crumpton	Nance	Tunstall

—23

Nays, 0.

The Bill:

S. 203. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.	Beasley	Godbold
Morrow, Pres.Pro tem	Brown, C. W.	Kilby
Allen	Curry	Merrill
Atkins	Fite	Miller

Moulthrop	Rogers	Stokes
Nance	Spragins	Tunstall
Plowman	Stevens	Vaiden
Renfro		

—21

Nays, 0.

The bill:

H. 57. To authorize the court of county commissioners of Tallapoosa county, Alabama, to borrow money not exceeding twenty thousand dollars and pay interest thereon.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs. :	Kilby	Rogers
Morrow Pres.Pro tem	Merrill	Sloan
Allen	Moulthrop	Spragins
Atkins	Nance	Sprott
Beasley	Norman	Stevens
Curry	Plowman	Stokes
Espy	Renfro	Vaiden
Fite		

—22

Nays, 0.

The bill:

S. 221. To amend section 3240 of the code of Alabama of 1907. "Tenth circuit; times and places of holding courts," by changing the time of holding said courts.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Espy	Plowman
Morrow, Pres.Pro tem	Godbold	Sloan
Allen	Kilby	Spragins
Atkins	Merrill	Sprott
Beasley	Miller	Stevens
Brown, C. W.	Moulthrop	Stokes
Crumpton	Nance	Tunstall
Curry	Norman	

—22

Nays, 0.

The bill:

S. 220. To amend Section (4) of an act entitled an act "To further regulate the City Court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court"; approved February 26, 1907, by substituting in lieu of said Section (4) other provisions relating to the time of holding said court; the term thereof, and the trial of causes in said court.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Fite	Renfro
Morrow Pres.Pro tem	Godbold	Rogers
Allen	Kilby	Sloan
Atkins	Merrill	Spragins
Beasley	Miller	Sprott
Brown, C. W.	Moulthrop	Stevens
Brown, W. T.	Nance	Stokes
Curry	Norman	Vaiden
Espy		

—24

Nays, 0.

The bill:

H. 71. To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama.

Was taken up.

Mr. Justice offered the following amendment to said bill:

To amend by striking out section 14 of the bill. which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Brown, C. W.	Justice
Morrow, Pres.Pro tem	Crumpton	Kilby
Atkins	Espy	Lovlace
Beasley	Fite	Merrill

Moulthrop	Sherrod	Stevens
Nance	Sloan	Stokes
Renfro	Spragins	Vaiden
Rogers	Sprott	

—22

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.	Godbold	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Sloan
Atkins	Lovelace	Spragins
Beasley	Merrill	Sprott
Brown, C. W.	Miller	Stevens
Crumpton	Moulthrop	Stokes
Espy	Nance	Vaiden
Fite	Norman	

—25

Nays, 0.

The bill:

H. 155. To create the office of Assistant Solicitor for the County of Mobile, to prescribe his duties, fix his salary and provide for the method of selection for said office and the taxation as costs of solicitor fees where the said assistant solicitor prosecutes and the defendant is convicted.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Godbold	Rogers
Morrow, Pres. Pro tem	Kilby	Sloan
Allen	Lovelace	Spragins
Atkins	Miller	Sprott
Beasley	Moulthrop	Stevens
Brown, C. W.	Nance	Stokes
Crumpton	Norman	Tunstall
Curry	Plowman	Vaiden

—24

Nays, 0.

The bill:

H. 183. To repeal an act entitled an act to establish a county court of Coffee county, for Coffee county with criminal jurisdiction in misdemeanor cases, approved Feb. 8th, 1901, Local Acts of Alabama, page 861, and all subsequent and amendatory acts relating to said court; to-wit: The act approved the 29th, day of September A. D. 1903, and all other acts relating to said court investing said court with civil as well as criminal jurisdiction, and to transfer all the civil and criminal proceedings therein pending and undisposed of together with all dockets, papers and books relating to said cases in said county court of Coffee county to the circuit court of said county, wherein said Circuit court now have or may have, jurisdiction of said cases and to transfer all the papers and documents pending and undisposed of in said county court to the justices of the peace of the different precincts of said county who now have or may have jurisdiction to try and dispose of said cases; and to transfer all criminal cases now pending and undisposed of in said county court, begun by affidavit and warrant of arrest charging the commission of misdemeanors in said county with the papers and documents relating to said alleged misdemeanors to the grand juries of said county, for investigation and action.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Fite	Norman
Morrow	Pres.Pro tem Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moulthrop	Stevens
Curry	Nance	Stokes
Espy		

Nays, 0.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bill:

S. 2. To make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary or beneficial for such purpose, to provide a Building Commission for such purpose, and to make an annual appropriation for the maintenance of such residence.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from committee on Enrolled Bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

RESOLUTION.

Mr. Morrow offered the following resolution:

Resolved by the Senate, That for the remainder of the day nothing but local bills be considered.

Resolved further, That the Senate remain in session until all local bills on the calendar be considered.

Resolved, further, That this resolution be put on its immediate passage.

Which under a suspension of the rules, was adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has concurred in Senate joint resolution 43

relative to the appointment of a committee to prepare and submit a bill for the establishment of a court of appeals.

Committee on part of House: Messrs. Parks, Mulkey, Arnold, Waddell and Johnson of Clark.

And returns same to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Stevens, the Senate concurred in and adopted the following amendment by the House to Senate joint resolution 43, set out in foregoing message from the House, to-wit:

Amend by striking out the word "three" where it occurs after the word "and" and insert the word "five" in lieu thereof.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill

H. 71. To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama.

W. F. Herbert,
Clerk.

ADJOURNMENT.

In pursuance of House joint resolution, and upon motion of Mr. Sprott, the Senate at 2:10 o'clock p. m. adjourned until Tuesday, February 14, 1911, at 12 o'clock m.

TWENTY-SECOND DAY.

Tuesday, Feb. 14th, 1911.

The Senate reassembled in the Senate Chamber at 12 o'clock, noon, Walter D. Seed, Lieutenant Governor and President of the Senate, being confined at his home by reason of illness; and President Pro Tempore Hugh Morrow being absent from the city:

The secretary of the Senate, J. A. Kyle, called the Senate to order and announced the absence of the President and President pro tem. of the Senate and that, in pursuance of the direction of the Constitution, the Senate had the right and authority to select one of its own members to act as temporary president pro tem. for today, and further announced that nominations for that position were in order.

Mr. Stevens, senator from the thirty third district, put in nomination as temporary president pro tem. of the Senate for today, the name of Frank S. Moody from the eleventh district, which nomination was seconded by the senator from the fourteenth district.

No further nominations having been made, upon a call of the roll of the Senate, Mr. Moody received 29 votes, being a majority of the votes of the senators elected to the Senate.

Those who voted for Mr. Moody are:

Messrs. Allen, Atkins, Beasley, Brown, C. W., Brown, W. T., Crumpton, Curry, Espy, Fite, Folmar, Frazer, Godbold, Justice, Kilby, Merrill, Miller, Moulthrop, Nance, Norman, Plowman, Renfro, Rogers, Screws, Sherrod, Sloan, Sprott, Stevens, Stokes, Vaiden.—29.

Whereupon Mr. Moody was declared duly and constitutionally elected temporary president pro tem. of the Senate for today, and thereupon came forward and took the chair.

PRAYER.

The Senate was opened with prayer by Mr. Norman, of the Senate.

ROLL CALL.

Present:

Messrs.:	Folmar	Renfro
Allen	Frazer	Rogers
Atkins	Kilby	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Espy	Norman	Vaiden
Fite	Plowman	

—28

JOURNAL.

On motion of Mr. Moulthrop, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. Carson C. Whitson, W. A. Davis, Ex-Senator Jno. J. King, and E. K. Campbell, for today.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Allen:

S. 243. To amend section 3043 of the code of Alabama, 1907, so as to change the time of holding some of the courts in the counties in the northern division of Alabama.

Judiciary.

By Mr. Allen:

S. 244. To amend section 6898 of the code.

Forestry Conservation and Preservation of Game.

By Mr. Plowman:

S. 245. To provide pensions for confederate soldiers, sailors and their widows, and for the payment and regulation of same.

Finance and Taxation.

By Mr. Justice:

S. 246. To authorize and legalize the payment of the appropriation made by Section 786 of the Code of Alabama for the fiscal years ending September 30, 1908, September 30, 1909, and September 30, 1910, for the Alabama Sanatorium for Consumption and Tuberculosis.

Finance and Taxation.

By Mr. Crumpton:

S. 247. To prohibit officers, aldermen and councilmen of municipalities from accepting employment from those operating public service business and to repeal all existing laws regulating or prohibiting such employment.

Judiciary.

By Mr. Screws:

S. 248. To amend section 4570 of the code of Alabama of 1907.

Insurance.

By Mr. Godbold:

S. 249. To submit to the qualified electors of the State, at the general election to be held on the first Tuesday after the first Monday in November, 1912, for their consideration an amendment to sections 46 and 48 of article IV of the Constitution so as to provide for biennial sessions of the Legislature, which was read one time at length and referred to:
Constitution and Constitutional Revision and Amendments.

By Mr. Folmar:

S. 250. To authorize the Court of County Commissioners, or body of similar jurisdiction for the county of Crenshaw, to pay to the clerk of the Circuit Court of said County, a per diem of two dollars, during term time, for the purpose of employing a clerk to record the minutes of said Circuit Court.

Judiciary.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, at the present session, ~~which convened in the city of Montgomery on the 10th day of January, 1911,~~ in substance as follows: A bill to be entitled "an act to authorize the court of county commissioners or body of similar jurisdiction for the county of Crenshaw, to pay to the clerk of the circuit court of said county, a per diem of two dollars, during term time, for the purpose of employing a clerk to record the minutes of said circuit court. And for the repeal of all laws or parts of laws in conflict therewith.

AFFIDAVIT OF PUBLICATION.

I, Charles L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Lu-verne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated January 19th, 1911, and ending with the issue dated February 9th, 1911.

Chas. L. Kettler,

Subscribed and sworn to before me this 9th day of February, 1911.

W. B. Ruff,
Notary Public.

By Mr. Atkins:

S. 251. To create the office of State pension examiner, define his duties and fix his compensation.

Finance and Taxation.

By Mr. Fite:

S. 252. To abolish the office of State game and fish commissioner and to confer the duties and powers of

such State game and fish commissioner upon the commissioner of agriculture and industries, and providing for the performance by such commissioner of agriculture and industries of the duties now conferred and required of such State game and fish commissioner without any additional compensation, and authorizing him to appoint game and fish wardens for each county of this State under the provisions of the general statutes.

Forestry Conservation and Preservation of Game.

By Mr. Fite:

S. 253. Providing that the confederate soldiers, sailors and their widows who are now drawing a pension and who are over the age of seventy years shall be entitled to and receive a pension of the first class.

Finance and Taxation.

By Mr. Fite:

S. 254. To amend section 5836 of the code of Alabama, 1907.

Public Roads and Highways.

By Mr. Stevens:

S. 255. To amend section 4840 of the code of Alabama of 1907.

Judiciary.

By Mr. Stevens:

S. 256. To amend sections 2996 and 3005 of the code of Alabama of 1907.

Judiciary.

By Mr. Merrill:

S. 257. To amend section 1348 of the code of Alabama.

Education.

By Mr. Merrill:

S. 258. To establish a State School for teaching Agriculture and domestic economy at Lineville, Alabama, to provide for the management and control thereof, and to make appropriation to support said school.

Finance and Taxation.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 221. To amend section 3240 of the code of Alabama of 1907, ~~"tenth circuit, times and places of holding courts,"~~ by changing the time of holding said courts.

S. 203. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama.

S. 220. To amend section (4) of an act entitled an act "to further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court"; approved February 26, 1907, by substituting in lieu of said section (4) other provisions relating to the time of holding said court; the term thereof, and the trial of causes in said court.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit: By Mr. Stollenwerck:

H. 128. To regulate the sale of stocks of merchandise in bulk or substantial portions thereof not in ordinary course of trade and to establish a rule of evidence relative to the same.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported

that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lovelace:

S. 14. To amend section 1193 of the code of 1907 of Alabama.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

S. 230. To create the office of court reporter for Marengo county; to provide for his appointment and compensation; to provide his powers and duties; and to provide for the taking and collection and disposal of court reporter's fees in the courts of record of Marengo county.

By Mr. Walden:

H. 132. To authorize and empower the court of county commissioners, of the county of Morgan, to make appropriation to the salvation army to be used exclusively for charitable purposes in said county.

Mr. Allen, chairman of the standing committee on Mining and Manufacturing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 199. To regulate the mining of coal in Alabama.

Mr. Justice, chairman of the standing committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 209. To amend an act approved August 26th, 1909, entitled an act to amend section 7083 of the code of Alabama of 1907.

By Mr. Huddleston:

H. 239. To amend sections 698, 711, 712, 718, 730, and 731 of the code of Alabama of 1907.

By Mr. Chamberlain:

H. 125. To authorize counties to appoint and to fix the compensation of officers to enforce the provisions of law for the prevention of cruelty to animals and the provisions of law for the prevention of cruelty to children and to confer upon said officers the power of deputy sheriffs.

Mr. Atkins, chairman of the standing committee on Fees and Salaries, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Molton:

H. 117. To amend section 6648 of the code of Alabama.

ADVERSE REPORT.

Mr. Justice, chairman of the standing committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Morrow:

S. 210. To amend section 1715 of the code of Alabama by increasing the powers and duties of the county boards of education and courts of county commissioners in relation to the improvement of the sanitary condition of the public school houses of the State.

REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL.

Mr. President:

Your committee on revision of the Journal, begs leave to report that it has carefully examined the Journal of

the Senate for the nineteenth, the twentieth and the twenty-first Legislative days and find that the same are correct as to all original entries and references thereto and that the same comply with all constitutional requirements.

W. C. Crumpton,
Chairman.

RESOLUTIONS.

Mr. Crumpton offered the following resolution:

S. J. R. 45. Resolved that a joint committee on the part of the Senate and the House, consisting of three members of the Senate and five members of the House, the House concurring, be appointed to consider, prepare and submit a bill providing for the amendment and revision of the jury laws of the State.

And moved a suspension of the rules and the immediate adoption of said resolution, which motions prevailed and said resolution was unanimously adopted.

MOTION TO RECONSIDER.

Mr. Tunstall, moved that the vote by which

S. 130. To amend section 1251 of the code.

Was passed on yesterday be reconsidered and that the consideration by the Senate of said motion to reconsider be postponed until Friday, February 17, 1911.

SPECIAL ORDER SET.

On motion of Mr. Renfro,

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

Was made a special order for tomorrow at 12 o'clock m.

ADJOURNMENT.

At 1:25 o'clock p. m. on motion of Mr. Stevens, the Senate adjourned until 11 o'clock tomorrow morning.

TWENTY-THIRD DAY.

Wednesday, Feb. 15, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Jones of the House.

ROLL CALL.

Present:

Mr. President and		
Messrs.:	Godbold	Renfro
Morrow Pres.Pro tem	Justice	Rogers
Allen	Kilby	Screws
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Fite	Norman	Tunstall
Folmar	Plowman	Vaiden
Frazer		

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JOURNAL.

On motion of Mr. Merrill, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Drs. G. T. McWhorter and J. S. Gillespie and Messrs. C. E. Waller, H. D. Merrill, Hugh White, J. T. Farrar, T. J. Gieder, M. E. Curry, T. M. Blount and W. A. Davis for today.

LEAVE OF ABSENCE.

An indefinite leave of absence was granted Mr. Es-
py on account of death in his family.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 44. To impose a tax of one dollar a year on each male and two and one-half dollars on every female dog in the State of Alabama, over four months of age, and to provide for the collection of such tax and to provide that all live stock killed or injured and all damages done thereto shall be paid for out of the Dog Tax fund, and to provide that the surplus left in dog tax fund on the first day of March of each year shall be paid into the public school funds of said county.

H. 350. To submit to the qualified electors of the State at the next general election for State officers, to be held the first Tuesday after the first Monday in November, 1912, an amendment to section 269 of the Constitution of the State of Alabama, so as to authorize and empower counties and public school districts to levy and collect a special school tax, and to increase the rate of such special school tax now fixed in and by section 269 of the Constitution of the State of Alabama.

H. 254. To amend section 7833 (5612) (3875) (4417) (4420) (3736-3738) (189-191) of the code of Alabama of 1907.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 44, To Finance and Taxation.

H. 350, To Constitution and Constitutional Revision and amendment after having been read one time at length.

H. 254, To Revision of Laws.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sloan (by request):

S. 259. To prohibit Federal office holders from, in any capacity, serving on or acting as a member of any political committee.

Judiciary

By Mr. Curry:

S. 260. To amend section 4495 of the code of Alabama.

Revision of Laws.

By Mr. Miller:

S. 261. To amend section 3 of an act entitled an act "to create and establish the Marengo law and equity court for Marengo county," approved August 26, 1909.

Judiciary

With notice and proof as follows.

NOTICE.

Notice is hereby given of intention to apply to the next regular session of the Legislature of Alabama, being the 1911 session of same, for the passage of a bill and enactment of a law to amend section 3 of an act entitled an act to create and establish the Marengo Law and Equity Court for Marengo county, approved August 26th, 1909; said proposed amendment to said act being to increase the salary of the judge of the Marengo Law and Equity Court.

Edw. J. Gilder.

The State of Alabama, }
 Marengo County. }

Before me, Isidore Bley, a notary public in and for said county and State, personally appeared C. A. VerBeck, who, being duly and legally sworn, deposes and says that he is editor of the Demopolis Times, a newspaper published in Marengo county, Alabama, and which is a weekly newspaper; that the notice, a copy of which is hereto attached, was inserted in said Demopolis Times, and has been published and has appeared regularly and consecutively in four weekly issues of said Demopolis times; that said notice was published in the December 22, 1910, December 29, 1910 January 5th, 1911 and January 12, 1911, issues of said Demopolis Times.

C. A. VerBeck.

Sworn to and subscribed before me this the 16th day of January, 1911.

Isadore Bley,
 Notary Public, Marengo County, Ala.

By Mr. Merrill:

S. 262. To amend section 6169 of the code of Alabama.

By Mr. Stevens:

S. 263. To further prescribe and define the duties of the State prison inspector.

Penitentiary, Prisons and Punishment.

By Mr. Stevens:

S. 264. To amend sections 8 and 11 of an act of the Legislature of Alabama, entitled "an act to regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act, approved August 26th, 1909."

Public Health.

By Mr. Stevens:

S. 265. To repeal sections 6619, 7196, 7212, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, and 7222

of the code of Alabama of 1907, and section 20 of an act of the Legislature of Alabama, page 158 of the acts of the special session of the Legislature of Alabama of 1909, and which is the same as section 6447 of the code of Alabama of 1907.

Penitentiary, Prisons and Punishment.

By Mr. Folmar:

~~S. 266. To authorize and require the superintendent of education to collect and publish accurate statistics in relation to all public schools and educational institutions of the State and any and all useful information connected therewith.~~

Education.

By Mr. Beasley:

S. 267. To repeal an act entitled an act to regulate the procedure in the trial of causes wherein lands are sought to be condemned, approved August 26th, 1909.

Judiciary.

By Mr. Spragins:

S. 268. To amend section 3499 of the code.

Corporations.

WITHDRAWAL OF BILL FROM COMMITTEE.

On motion of Mr. Atkins, he is allowed to withdraw from the committee on Local Legislation:

S. 103. To authorize the court of county revenues of Dallas county, Alabama, to appropriate annually a sum not exceeding one thousand dollars to be used in purchasing books and maintaining a library in Selma Alabama, for the benefit of the citizens of said county.

REPORTS OF COMMITTEES.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Frazer:

S. 192. To amend section 3720 of the code of Alabama of 1907.

By Mr. Screws:

S. 76. To amend section 7162 of the code of Alabama.

By Mr. Tunstall:

S. 233. To establish and create the Hale County Law and Equity Court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court and to authorize the Judge thereof to establish such rules and procedure as may be required for a proper system of practice for said court, and to amend the same.

By Mr. Tunstall:

S. 232. To require the county solicitor of Hale county, Alabama, to attend the terms of the law and equity court of Hale county, Alabama, and to prosecute all criminal causes pending therein.

By Mr. Tunstall:

S. 231. To abolish the County Court of Hale County, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198, of the Code of Alabama, to repeal an act approved February 12th, 1879, entitled "An Act to confer additional jurisdiction upon the County Court of Hale County, and to regulate the proceedings therein," and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes, and everything pertaining to said causes pending in said court, by the clerk thereof to the Hale County Law and Equity Court.

By Mr. Molton:

H. 31. To amend section 7324 of the code of Alabama.

By Mr. Hollis, of Choctaw:

H. 94. To amend section 6351 of the code of Alabama of 1907, so that bail may exonerate themselves by surrendering the defendant on an arrest by making

affidavit as to their undertaking and under said affidavit authorize other persons to arrest the defendant.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stevens:

S. 238. To provide for the creation of the office of State Prison Inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said Inspector; to fix the compensation of such Inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal Census, under the supervision of said inspector; and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

Mr. Moody, chairman of the standing committee on Temperance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Moody (with substitute):

S. 65. To amend chapter fourteen (14) of the code of Alabama, relating to dispensaries, and, in doing so, to regulate and control the liquor traffic in said State
By Mr. Parks:

H. 376. To submit to the qualified electors of each of the counties in this State the question of whether or not the manufacture and sale of spirituous, vinous or malt liquors shall be legalized therein; and whether or not such liquors shall be sold by dispensaries or by private dealers under a license.

ADVERSE REPORT.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session had acted on the following bills and ordered same returned to the Senate with an adverse report:

By Mr. Beasley:

S. 205.. To amend section 1997 of the code of Alabama.

By Mr. Beasley:

S. 204. To amend section 1996, of the code of Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his Excellency the Governor with his objections and proposing an amendment to

H. 87. To amend section 3798 of the code of Alabama of 1907.

And the House has amended the bill as proposed by the governor by adopting and concurring in such proposed amendments.

Yeas, 71; nays, 0.

Which is a majority of the whole number elected to the House and the House herewith sends said bill with the governor's message and proposed amendments herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE GOVERNOR.

Feb. 14, 1911.

To the House of Representatives:

I herewith return House bill 87 without my approval, and suggest the following amendment to meet my objection:

By inserting after the word "husband" the words "if under twenty-one years of age."

Emmett O'Neal,
Governor.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Morrow, the Senate concurred in and adopted the amendment proposed by the governor to House bill 87. The title of which appears in the foregoing message from the House and the proposed amendment thereto appears in the foregoing message from the governor.

Yeas, 23, nays, 0.

Yeas:

Messrs.:	Fite	Norman
Morrow, Pres. Pro tem	Folmar	Plowman
Allen	Godbold	Rogers
Atkins	Kilby	Sherrod
Brown, C. W.	Lovelace	Spragins
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Stevens
Curry	Nance	Stokes

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Nays, 0.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his Excellency the Governor with his objections and proposing an amendment to

H. 108. To amend section 3418 of the code of Alabama.

And the House has amended the bill as proposed by the governor by adopting and concurring in such proposed amendments.

Yeas, 82; nays, 0.

Which is a majority of the whole number elected to the House and the House herewith sends said bill with the governor's message and proposed amendments herewith to the Senate.

W. F. Herbert,
Clerk.

Feb. 14th, 1911.

To the House of Representatives:

I herewith return House bill 108 without my approval, and suggest the following amendment to meet my objection:

"Provided, however, that leases for more than twenty years shall be void for the excess over said period unless acknowledged or approved as required by law in conveyances of real estate and recorded within one year after execution in the office of the judge of probate in the county in which the property leased is situated."

Emmett O'Neal,
Governor.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Morrow, the Senate concurred in and adopted the amendment proposed by the governor to House bill 108. The title of which appears in the foregoing message from the House and the proposed amendment thereto appears in the foregoing message from the governor.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Godbold	Norman
Morrow, Pres. Pro tem	Justice	Plowman
Atkins	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Crumpton	Miller	Sprott
Curry	Moody	Stokes
Fite	Nance	Vaiden
Folmar		

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Nays, 0.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his Excellency the Governor with his objections and proposing an amendment to

~~H. 119. To amend section 7104 of the code of Ala-~~
bama.

And the House has amended the bill as proposed by the governor by adopting and concurring in such proposed amendments.

Yeas, 82; nays, 0.

Which is a majority of the whole number elected to the House and the House herewith sends said bill with the governor's message and proposed amendments herewith to the Senate.

W. F. Herbert,
Clerk.

Feb. 14th, 1911.

To the House of Representatives:

I herewith return House bill 119 without my approval, and suggest the following amendment to meet my objection:

Strike out all the words of the bill following the word "death," and insert in lieu thereof the following: "Provided, however, that no surgeon or physician who is summoned as a witness to give a professional opinion on inquests shall be entitled to, or receive compensation as a witness for giving a professional opinion on more than four inquests in any one calendar year."

Emmet O'Neal,
Governor.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Morrow, the Senate concurred in and adopted the amendment proposed by the governor to House bill 119. The title of which appears in the foregoing message from the House and the proposed

amendment thereto appears in the foregoing message from the governor.

Yeas, 29; nays, 0.

Yeas:

Messrs. :	Folmar	Plowman
Morrow, Pres. Pro tem	Fräzer	Rogers
Allen	Godbold	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Spragins
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Moody	Stokes
Curry	Nance	Tunstall
Fite	Norman	Vaiden

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Nays, 0.

Which was a majority of the whole number elected to the Senate.

REPORT FROM COMMITTEE ON REVISION OF JOURNAL.

Mr. President:

The committee on revision of the Journal begs leave to report that it has carefully examined the Journal of the Senate for the twenty second legislative day and finds the same correct as to all original entries and references thereto and that the same complies with all constitutional requirements.

W. C. Crumpton,
Chairman.

Which report was, on motion of Mr. Crumpton adopted and the Journal of the Senate for the twenty-second legislative day was approved.

RESOLUTION.

Mr. Moody offered the following resolution:

S. R. 46. Resolved, That Senate bill 65 be made a special order for Friday next at 11:30 a. m. and that House bill 376 be made a special order for next Friday at 12 m.

Which was read and referred to Rules committee.

RECOMMITMENT OF BILL.

On motion of Mr. Spragins:

H. 175. To amend an act entitled "an act to amend section 3613 of the code of Alabama of 1907."

Was recommitted to the committee on Corporations.

RESOLUTION.

Mr. Plowman offered the following resolution:

S. R. 47. Resolved, That the meeting of the Senate after today shall be as follows:

Meet at 10 a. m. adjourn at one p. m. meet at three p. m. and adjourn at will.

Which was read and referred to Rules committee.

Mr. Moulthrop offered the following resolution:

S. R. 48. Resolved, That S. 65, be made a special order for 12 o'clock m. tomorrow, and that H. 376 be made a special order for 12:30 o'clock p. m. tomorrow.

Which was read and referred to the Rules committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 11. To amend section one of an act entitled an act "to fix the fees and commissions of the deputy solicitor of Butler county, and to make disposition of the residue of fees and commissions earned by him," approved December 13th, 1900.

H. 57. To authorize the court of county commissioners of Tallapoosa county, Alabama, to borrow money not exceeding twenty thousand dollars and pay interest thereon.

H. 68. To provide for a deputy clerk of the city court of Mobile.

H. 71. To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama.

H. 93. To provide for the election of a county solicitor for Choctaw county, to define his duties and to fix his compensation.

H. 138. To amend the caption and section three (3) of an act entitled "An act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of Dallas county to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues." "Approved Feb. 8, 1877, so as to make it read as follows."

H. 155. To create the office of Assistant Solicitor for the County of Mobile, to prescribe his duties, fix his salary and provide for the method of selection for said office and the taxation as costs of solicitor fees where the said assistant solicitor prosecutes and the defendant is convicted.

H. 183. To repeal an act entitled an act to establish the County Court of Coffee County for Coffee County, with criminal jurisdiction in misdemeanor cases approved February 8th, 1901, local acts of Alabama, page 861, and all subsequent and amendatory acts relating to said court, to-wit: The act approved the 29th day of September, A. D. 1903, and all other acts relating to said Court investing said Court with civil as well as criminal jurisdiction, and to transfer all the civil and criminal proceedings therein pending and undisposed of together with all dockets, papers and books relating to said cases in said County Court of Coffee County to the Circuit Court of said County, wherein said Circuit Court now have or may have, jurisdiction of said cases and to transfer all the papers and documents pending and undisposed of in said County Court to the Justices of the Peace of the different precincts of said County who now have or may have jurisdiction to try and dispose of said cases; and to transfer all criminal cases now pending and undisposed of in said County Court, begun by affidavit and warrant of arrest charging the commission of misdemeanors in said County, with the papers and documents relating to said alleged misdemeanors to the grand juries of said County for investigation and action.

H. 178. To regulate the county court of Colbert county, prescribe its jurisdiction and powers, and provide for solicitor's fees in said court, and repeal conflicting laws.

H. 241. To authorize and require the treasurer of Barbour county to pay claims which are proper charges ~~against the fine and forfeiture fund of Barbour county,~~ and prescribing how and when such claims shall be paid and repeal conflicting laws.

H. 275. To amend section 1912 of the code.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House joint resolution, your signature thereto is requested:

H. J. R. 20. Relative to putting in repair the clock in front of the Capitol.

SIGNING OF HOUSE JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, immediately after their title had been publicly read at length by the secretary, signed the above House joint resolution, the title of which is set out in the foregoing message from the House.

The reading at length of said resolution having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, chairman of the Standing committee on Rules, reported that said committee, in session, had acted on S. R. 46, and ordered same returned to the Senate with a favorable report:

And moved that said report be concurred in and said resolution adopted.

Which motion prevailed.

RESOLUTION.

Mr. Crumpton offered the following resolution:

S. R. 49. Whereas, the hand of an afflicting angel has been heavily laid on the heart and home of Hon. Jno. J. Espy, Senator from the thirty-fifth district of Alabama in the recent death of an only child.

Be it resolved by the Senate of Alabama, That an expression of the profound sympathy of his co-workers in this body be and the same is hereby tendered him.

Which was read and unanimously adopted.

SPECIAL ORDER SET.

On motion of Mr. Atkins,

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

Was made a special order for 12 o'clock m. tomorrow.

Yeas, 14; nays, 12.

Yeas:

Messrs.	Frazer	Spragins
Allen	Justice	Sprott
Atkins	Moody	Stokes
Beasley	Rogers	Tunstall
Brown, C. W.	Sloan	Vaiden

Nays :		
Messrs. :	Kilby	Norman
Brown, W. T.	Merrill	Plowman
Fite	Miller	Renfro
Folmar	Nance	Sherrod
Godbold		

BILLS ON THIRD READING.

The bill:

S. 142. To authorize the county court commissioners of each county in this State to have printed a map of the county and to keep the same at the office of the probate judge for free distribution.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas :		
Messrs. :	Fite	Plowman
Allen	Godbold	Renfro
Atkins	Kilby	Rogers
Brown, C. W.	Merrill	Sherrod
Brown, W. T.	Moulthrop	Sloan
Crumpton	Nance	Stokes
Curry	Norman	Vaiden

Nays, 0.

The bill:

S. 70. To authorize the several judges of probate of the State to make a condensed record of registered electors in their respective counties and to provide compensation for such service.

Was taken up.

The following amendment offered by the committee:

Amend section 2 by striking out the words "two and one-half cents" and inserting in lieu thereof the words "one-half cent."

Was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Allen	Godbold	Norman
Atkins	Kilby	Sherrod
Brown, C. W.	Lovelace	Sloan
Brown, W. T.	Merrill	Sprott
Crompton	Miller	Stevens
Curry	Moody	Stokes
Fite	Moulthrop	

—22

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Fite	Moody
Allen	Folmar	Moulthrop
Atkins	Godbold	Renfro
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sprott
Brown, W. T.	Merrill	Stevens
Crompton	Miller	Stokes
Curry		

—22

Nays, 0.

The bill:

S. 81. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.

Was taken up.

The following amendment offered by the committee:

Amend section 1, by striking out the words "2 1-2 cents" and inserting in lieu thereof the words "one-half cent."

Was adopted.

Yeas, 21; nays, 1.

Yeas:

Messrs.:	Brown, W. T.	Godbold
Allen	Crompton	Justice
Atkins	Curry	Kilby
Brown, C. W.	Folmar	Lovelace

Merrill	Renfro	Stevens
Miller	Rogers	Stokes
Nance	Sprott	Tunstall
Norman		

—21

Nays—Mr. Plowman.—1.

~~And said bill as thus amended was read a third time at length and passed.~~

Yeas, 24; nays, 0.

Yeas:

Messrs.	Justice	Renfro
Allen	Kilby	Rogers
Atkins	Lovelace	Sloan
Beasley	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Moody	Stokes
Curry	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

—24

Nays, 0.

The bill:

S. 82. To amend section 365 of the code.

Was taken up.

The following amendment offered by the committee:

Amend section 1 by striking out the words "2 1-2 cents" and inserting in lieu thereof the words "one-half cent."

Was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs.:	Fite	Renfro
Allen	Folmar	Rogers
Atkins	Kilby	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Brown, W. T.	Moody	Sprott
Crumpton	Nance	Stevens
Curry	Norman	Vaiden

—23

Nays—Mr. Sherrod.—1.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Kilby	Sherrod
Allen	Merrill	Sloan
Atkins	Miller	Spragins
Beasley	Moody	Sprott
Brown, C. W.	Nance	Stevens
Brown, W. T.	Norman	Stokes
Fite	Renfro	Tunstall
Frazer	Rogers	

—22

Nays, 0.

The bill:

S. 72. To authorize the institution of suits at law upon claims held to have been erroneously prosecuted in chancery.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Kilby	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Brown, C. W.	Moody	Sprott
Curry	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Norman	

—25

Nays, 0.

The bill:

S. 195. To amend section 1221 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 18; nays, 2.

Yeas:

Messrs.:	Beasley	Folmar
Allen	Brown, C. W.	Frazer
Atkins	Fite	Godbold

Kilby	Moody	Sloan
Lovelace	Nance	Spragins
Merrill	Sherrod	Stokes
Miller		

—18

Nays—Messrs. Norman and Plowman.—2.

The bill:

S. 165. To amend section 6634 of the 1907 code of Alabama.

Was read a third time at length and passed.

Yeas, 11; nays, 9.

Yeas:

Messrs.:	Crumpton	Norman
Allen	Fite	Plowman
Atkins	Justice	Rogers
Beasley	Miller	Stokes

—11

Nays:

Messrs.	Merrill	Renfro
Brown, C. W.	Moody	Sherrod
Folmar	Moulthrop	Tunstall
Godbold		

—9

The bill:

H. 76. To amend section 6 of an act approved August 26th, 1909, entitled An Act to provide for the appointment of an official stenographer for each of the circuit courts and of courts of like jurisdiction for which a stenographer is not now provided by law of the State of Alabama: To prescribe his duties, to fix his compensation and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Curry	Merrill
Allen	Fite	Miller
Atkins	Frazer	Moody
Beasley	Godbold	Plowman
Brown, C. W.	Justice	Renfro
Crumpton	Kilby	Rogers

Sherrod	Stevens	Tunstall
Spragins	Stokes	Vaiden
Sprott		

—24

Nays, 0.

The bill:

S. 129. To amend section 308 of the code.

Was read a third time at length and passed.

Yeas, 22; nays, 2.

Yeas:

Messrs.:	Folmar	Norman
Allen	Frazer	Plowman
Atkins	Justice	Renfro
Beasley	Kilby	Sprott
Brown, C. W.	Lovelace	Stokes
Brown, W. T.	Miller	Stokes
Crumpton	Moody	Vaiden
Fite	Nance	

—22

Nays—Messrs. Sherrod and Spragins.—2.

The bill:

S. 61. To amend section 3257 of the code of Alabama.

Was taken up.

The following amendment offered by the committee:

Amend by striking out the words "forty-five hundred dollars" as they appear in the bill and substituting therefor the words "thirty-six hundred dollars."

Was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Kilby	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Brown, C. W.	Moulthrop	Sprott
Fite	Nance	Stevens
Folmar	Norman	Tunstall
Godbold	Rogers	Vaiden
Justice		

—21

Nays—Mr. Renfro.—1.

Mr. Sherrod moved to postpone the further consideration of said bill as amended until the condition of the State treasury is ascertained.

Which motion prevailed and the further consideration of said bill as amended was so postponed.

The bill:

H. 39. To declare the effect of the plea of the general issue in detinue suits.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Godbold	Rogers
Morrow, Pres.Pro tem	Merrill	Sherrod
Allen	Miller	Sloan
Beasley	Moody	Spragins
Brown, C. W.	Moulthrop	Sprott
Curry	Norman	Stevens
Fite	Plowman	Vaiden
Folmar	Renfro	

—22

Nays, 0.

The bill:

H. 124. To provide that any deed, mortgage or other conveyance of real property purporting on its face to have been executed in the name of any corporation, by any person as president, vice president or secretary of such corporation, shall, when attested or acknowledged, be prima facie evidence that said person was such officer of said corporation and was duly authorized by said corporation to execute such conveyance in its name.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:	Curry	Merrill
Morrow, Pres.Pro tem	Fite	Miller
Allen	Folmar	Moody
Atkins	Godbold	Norman
Beasley	Justice	Plowman
Brown, C. W.	Kilby	Renfro
Crumpton	Lovlace	Rogers

Sherrod	Sprott	Tunstall
Sloan	Stevens	Vaiden
Spragins	Stokes	

—28

Nays, 0.

ADJOURNMENT.

At 1:30 o'clock p. m. on motion of Mr. Justice the Senate adjourned until 11 o'clock tomorrow morning.

 TWENTY-FOURTH DAY.

Thursday, Feb. 16th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Adams of Jemison.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Godbold	Renfro
Morrow Pres. Pro tem	Justice	Rogers
Allen	Kilby	Screws
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Fite	Norman	Tunstall
Frazer	Plowman	Vaiden

—32

JOURNAL.

On motion of Mr. W. T. Brown, the reading of the Journal of yesterday was dispensed with and same was approved.

~~LEAVE OF ABSENCE~~

An indefinite leave of absence was granted Mr. Folmar on account of sickness in his family.

PRIVILEGES OF THE FLOOR.

Mr. Stevens objected to the privileges of the floor being extended to any one for today.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Stokes:

S. 269. To protect livery stable keepers.

Judiciary.

By Mr. Fite:

S. 270. To authorize the recording of certified copies of the records of deeds and the admission of such certified copy or certified copies of records thereof in certain instances in evidence.

Judiciary.

By Mr. Merrill:

S. 271. To amend section 2974 of the code of Alabama.

Revision of Laws.

By Mr. Spragins (by request):

S. 272. To provide for the appointment of a State board of architecture, for the licensing of architects and the regulation of the practice of architecture in the State of Alabama.

Commerce and Common Carriers.

By Mr. Spragins:

S. 273. To further prescribe the duties of the assistant attorneys general.

Judiciary.

By Mr. Brown, W. T.:

S. 274. To amend section 5513 of the code of Alabama of 1907.

Commerce and Common Carriers.

By Mr. Beasley:

S. 275. To repeal the Act of the Legislature of Alabama of 1900-01, Page 688, approved December 13th, 1900, providing for the trial of misdemeanors in the County Court of Fayette County, Alabama, and to provide for the transfer of all cases which have been transferred from the Circuit Court of said County to said County Court, together with all papers, records and everything pertaining to said cases, by the Clerk of said County Court back to the Circuit Court of said County for trial in said Circuit Court.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, convening in January, 1911, to enact a law which shall in substance be and have for its object the repeal of a certain act of the general assembly of Alabama, acts 1900-1, page 688, approved December 13th, 1900, entitled "an act in relation to trials of misdemeanors in Fayette county, Alabama."

State of Alabama,)
Fayette County. }

Before me, E. E. Thomason, a notary public, in and for said State and county, personally appeared Turner A. Wilson, who, after being duly sworn, upon his oath says that he is the editor and publisher of the Fayette Banner, a weekly newspaper published in Fayette, Fayette county, Alabama, and that the attached notice ap-

peared in said paper for four consecutive weeks, as follows, beginning on the 12th day of January, 1911, to and including the 2nd day of February, 1911.

Turner A. Wilson,
Editor and Publisher Fayette Banner.

~~Sworn and subscribed to before me on this the~~
day of February, 1911.

E. E. Thomason,
Notary Public.

By Mr. Brown, C. W.:

S. 276. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the Seventh District Agricultural School and Experiment Station at Albertville, Alabama.

Education.

REPORTS OF COMMITTEES.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Moulthrop:

S. 224. To ratify, confirm, and validate the census of the cities and towns in the State of Alabama, of seven thousand, and less, where the same has been taken as provided by the Code of Alabama, of 1907, and the report of the same filed in the office of the Secretary of State.

By Mr. Moulthrop:

S. 223. To ratify, confirm, and validate all ordinances, resolutions and laws, heretofore passed by the city and town councils of any municipality in this State of less than seven thousand inhabitants, according to the census of such cities and towns on file in the office of the Secretary of State as provided by the Code of Ala-

bama of 1907, and to ratify, confirm and validate all ordinances and laws heretofore printed in book and pamphlet form by authority of the municipalities of cities and towns under seven thousand according to the census on file in office of the Secretary of State, and to provide for their reception as such ordinances and laws in the courts of Alabama.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills;

S. 142. To authorize the county court commissioners of each county in this State to have printed a map of the county and to keep the same at the office of the probate judge for free distribution.

S. 72. To authorize the institution of suits at law upon claims held to have been erroneously prosecuted in chancery.

S. 195. To amend section 1221 of the code of Alabama.

S. 81. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.

S. 82. To amend section 365 of the code.

S. 129. To amend section 308 of the code.

S. 70. To authorize the several judges of probate of the State to make a condensed record of registered electors in their respective counties and to provide compensation for such service.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 45. Relative to a joint committee from the two houses to prepare and submit an amendment to the jury law.

Committee on part of the House: Messrs. Bell of Pickens, Page, Knight, Lavender, and Pharr.

And returns same herewith to the Senate.

~~W. F. Herbert,~~
Clerk.

APPOINTMENT OF SPECIAL COMMITTEE.

The President pro tem appointed as the committee on part of the Senate, under S. J. R. 45 just concurred in by the House: Messrs. Sprott, Crumpton, Tunstall.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 34. For the relief of Walter D. Windham, Senior, of Pickens county.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bills:

S. 45. To increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

S. 141. To provide for the appointment of railway policemen; to prescribe their duties and compensation.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Merrill, the Senate concurred in the following amendment by the House to Senate bill

141, the title of which is set out in the foregoing message from the House, to-wit:

Amend title of Senate bill 141 by adding after the word "policeman," where it occurs in line 2 of said title and before the word "to," the following:

"And public service corporation policemen."

Amend Senate bill 141 by adding after the word "railway" in line 2 of section 1, and before the word "may," the following:

"And any other public service corporation."

Amend Senate bill 141 by adding section 6 1-2 thereto:

"Section 6 1-2. Every policeman so appointed for any public service corporation, other than railways, shall, before entering upon the duties of his office take and subscribe the usual oath. Such oath with a copy of the commission shall only be filed in the office of the probate judge of the county where such corporation does business, and such policeman shall comply with the requirements of section 4 of this act, and of section 3 with reference to the giving of bond as required therein, and possesses all the powers conferred upon railway policemen in section 3 of this act.

Yeas, 20; nays, 5.

Yeas:

Messrs.:	Godbold	Rogers
Morrow, Pres. Pro tem	Merrill	Sherrod
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Brown, C. W.	Moulthrop	Stokes
Brown, W. T.	Nance	Tunstall
Fite	Norman	Vaiden

—20

Nays:

Messrs.:	Curry	Justice
Allen	Frazer	Sloan

—5

HOUSE MESSAGE.

On motion of Mr. Screws, the Senate non-concurred in the following amendment by the House to Senate

bill 45, the title of which is set out in the foregoing message from the House, to-wit:

Amend by substituting the words "thirty-six hundred dollars (\$3600.00)" wherever the words "forty-two hundred dollars (\$4200.00)" appear and that the words \$300.00 appear where the words \$350.00 appear.

Yeas, 27; nays, 0.

Yeas:

Messrs.	Kilby	Rogers
Morrow, Pres. Pro tem	Lovelace	Screws
Allen	Merrill	Sherrod
Atkins	Moody	Sloan
Beasley	Moulthrop	Spragins
Brown, C. W.	Nance	Sprott
Crumpton	Norman	Stokes
Fite	Plowman	Tunstall
Frazer	Renfro	Vaiden
Godbold		

—27

Nays, 0.

And requested a committee of conference.

The President pro tem appointed as committee on part of the Senate: Messrs. Screws, Moulthrop and Vaiden.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 2. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.

H. 207. To amend section 6878 of the code of Alabama of 1907.

H. 206. To amend section 7803 of the code of Alabama of 1907.

H. 421. To amend section 3234 of the code of 1907 of Alabama.

H. 309. To better enforce the collection of license tax in this State, and requiring the several sheriffs and

probate judges, in counties in which there are no county tax commissioners to perform certain duties in relation to the collection of said tax.

H. 147. To amend section 7692 of the code of Alabama of 1907.

H. 144. To create and establish a State board of Mediation and Arbitration and providing for the submission of labor controversies between employers and employees to local arbitrators and to the State Board of Mediation and Arbitration; defining the duties of said boards, fixing their powers, providing for their appointment and selection, their compensation and for the compensation of witnesses, the terms of office of the members of the State Board and for the manner of payment of costs incurred.

H. 145. To prohibit members of the State tax commission or any officer of the State tax commission and county tax commissioners from acting as agent or attorney for another in the assessment of taxes.

H. 200. To establish Mardi Gras day and make the same a legal holiday.

And send the same herewith to the Senate.

Also:

H. 258. To require the commissioner's court of Morgan county, to work all the county convicts of said county, on the public roads of said county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, requiring the commissioners' court of Morgan county to work all the county convicts on the public roads of said county.

A. G. Wilhite.

State of Alabama, }
Morgan county. }

Before me, Melvin Hutson, a notary public, in and for said State and county, personally appeared N. S. Zeigler, who being duly sworn deposes and says, on

oath, that he is the news editor of the New Decatur Advertiser, a newspaper published in New Decatur, in said county; and further, that the annexed advertisement of Morgan county convict bill was given publication in said newspaper for the period of four consecutive weeks, beginning December 15, 1910.

N. S. Zeigler.

Sworn and subscribed to before me, this 21st day of January, 1911.

Melvin Hutson,
Notary Public.

H. 253. To amend section 11 of an act entitled, "An act to establish a board of revenue of Jefferson county and for the abolishment of the court of county commissioners for the said county" and to increase the salary of said board.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

Notice of Local Law for Jefferson County:

Notice is hereby given of intention to apply for the passage or enactment of the Legislature of Alabama, at its approaching and during said session of a local law in substance as follows:

An act to amend section 11 of an act entitled "An act to establish a board of revenue of Jefferson county, and for the abolishment of the court of county commissioners" of said county and to increase the salary of each member of said board.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 11 of an act entitled, "An act to establish a board of revenue of Jefferson county; and for the abolishment of the court of county commissioners for said county" be amended to read as follows:

Section 11. *Be it enacted*, that the members of the board of revenue shall receive a salary of \$3,000.00 per annum to be paid in monthly installments of \$250.00 out of the county treasury on a certificate or warrant

signed by the president of said board. All laws in conflict with this enactment are hereby repealed.

Also the modification of the present existing law which the above is intended in substance to amend as follows:

"Be it enacted by the Legislature of Alabama, That section 11 of an act entitled "An act to establish a board of revenue of Jefferson county and for the abolishment of the board of county commissioners of said county to be amended to read as follows:

Section 11. Be it further enacted, That each member of the board of revenue shall receive a salary of fifteen hundred dollars per annum to be paid in monthly installments of \$125.00 per month. By the law intended to be applied for, will be increased to \$3,000.00 per annum to be paid in monthly installments of \$250.00.

State of Alabama, }
Jefferson County. }

Before me, the undersigned authority in and for said county, in said State, personally appeared J. C. deLacee, who being duly sworn says that he is the editor of the Ensley Sun, a newspaper, published in the city of Ensley, Alabama, and that he has personal knowledge that the notice of intention to apply to the Legislature for a passage of the local law, was published once a week for four consecutive weeks in said newspaper the Ensley Sun and appeared in said newspaper on to-wit, the 5, 12, 19, 27, days of December, 1910, which said local law is in words and figures as follows:

NOTICE OF THE LOCAL LAW OF JEFFERSON COUNTY.

Notice is hereby given of intention to apply for the passage or enactment of the Legislature of Alabama at its approaching and during said session of a local law as follows:

An act to amend section 11 of an act entitled "an act to establish a board of revenue of Jefferson county, and for the abolishment of the court of county commis-

sioners of said county and to increase the salary of each member of said board.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 11 of an act entitled "an act to establish a board of revenue of Jefferson county; and for the abolishment of the courts of county commissioners of said county" to be amended to read as follows:

Section 11. Be it enacted, That the members of the board of revenue shall receive a salary of \$3,000.00 per annum to be paid in monthly installments of \$250.00 out of the county treasury on a certificate or warrant by the president of said board. All laws in conflict with this enactment are hereby repealed.

Also of the modification of the present existing law which the above is intended in substance to amend as follows:

"Be it enacted by the Legislature of Alabama, That section 11 of an act entitled "an act to establish a board of revenue of Jefferson county and for the abolishment of the court of county commissioners of said county to be amended to read as follows:

Section 11. Be it further enacted, That each member of the board of revenue shall receive a salary of fifteen hundred dollars per annum to be paid in monthly installments of \$125.00 per month", by the law intended to be applied for, will be increased to \$3,000.00 per annum to be paid in monthly installments of \$250.00.

Affiant further states that as such officer of said newspaper he is the authorized agent to make this affidavit, and affiant further states that said advertisement or publication of said notice has been without cost to the State, of which fact affiant states that he has personal knowledge.

(Seal)

J. C. deLacee.

Sworn to and subscribed before me this the 5th day of Jan., 1911.

J. C. Williams,
Notary Public.

H. 242. To fix the compensation of the sheriff of Bibb county Alabama, for transferring prisoners from the county jail of Bibb county, Alabama, at Centerville, to the county court of Bibb county, Alabama, at Blocton, Alabama, for trial, and for transferring prisoners from the county court of Bibb county, Alabama, at Blocton, Alabama, to the county jail of Bibb county, Alabama at Centerville.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

EXHIBIT "A."

NOTICE.

Notice is hereby given that at the next session of the Legislature of the State of Alabama, a bill will be introduced allowing the sheriff of Bibb county one dollar for each prisoner carried by him from the county jail of Bibb county to Blocton, Alabama for trial in the county court of Bibb county for the Blocton Division, and also allowing such sheriff of Bibb county, Alabama, one dollar for returning any prisoner to the county jail from such county court at Blocton. Said amounts to be paid out of the county treasury of Bibb county, Alabama.

State of Alabama, }
Bibb County. }

Before me, R. L. Avery, clerk of the circuit court of Bibb county, Alabama, this day personally appeared L. H. Nunnelee, who, being by me first duly sworn deposes and says, that he is editor and publisher of the Centerville Press, a weekly newspaper published at Centerville in said Bibb county, Alabama, and that a certain notice, a true and correct copy of which is hereto attached and marked Exhibit "A" was inserted in said Centerville Press and was published once a week for four consecutive weeks in said newspaper, before the making of this affidavit.

L. H. Nunnelee.

Sworn to and subscribed before me this 17th day of January, 1911.

R. L. Avery,
Clerk of Circuit Court of Bibb County, Alabama.

H. 181. To repeal an act entitled an act to confer ~~additional jurisdiction upon the county court of Cullman county, Alabama~~ and to regulate the proceedings therein," approved March 1st, 1901.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given as required by section 106 and 107 of the constitution of 1901, of the intention by the undersigned to apply to the next session of the Legislature of Alabama for the enactment of law, the substance of which is as follows:

A BILL TO BE ENTITLED AN ACT.

To repeal an act entitled an act to confer additional jurisdiction upon the county court of Cullman county, Alabama, and to regulate the proceedings therein approved March 1st, 1901.

1. *Be it enacted by the Legislature of Alabama,* That the act entitled "an act to confer additional jurisdiction on the county court of Cullman county, Alabama, and to regulate the proceedings therein," approved March 1st, 1901, be and the same is hereby repealed.

The substance of the law to be repealed is an act conferring upon the county court of Cullman county jurisdiction to try misdemeanor, wherein a jury is demanded providing a jury term of said court and regulating the procedure in the trial of jury cases, and prescribing the jurisdiction of said court and the duties and powers of its officers in reference thereto.

This December 20th, 1910.

A. A. Griffith,
Representative of Cullman County.

The State of Alabama, } Office of Cullman Tribune.
Cullman County. }

Personally appeared before the undersigned, W. E. James, a notary public in and for said county and State, Julia H. Gillespie, who being by me first duly sworn, deposes and says that she is the editor and publisher of the Cullman Tribune, a newspaper of general circulation, published weekly in Cullman county, Alabama; that the notice attached hereto as Exhibit "A" was published in said Cullman Tribune, without cost to the State, once a week for four consecutive weeks prior to January 14th, 1911; said paper being published on Thursday of each and every week, and said notice appeared in the issue of the following dates: December 22nd; December 29th, 1910; January 5th, and January 12th, 1911.

Mrs. J. H. Gillespie,
Editor.

Sworn to and subscribed before me this the 13th day of January, 1911.

W. E. James,
Notary Public.

H. 321. To amend an act entitled an act to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties fixing his salary and providing for the method of selection for said office. So as to read as follows:

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, which convenes in January, 1911, to amend "an act to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and

providing for the method of selection for said office," by requiring said assistant solicitor to prosecute all felony cases in the inferior court of Montgomery county.

State of Alabama, }
Montgomery County. }

Before me, Frank Stollenwerck, Jr., a notary public, in and for said State and county, personally appeared Ben deLemos who being duly sworn, deposes and says, that he is editor of the Alabama Outlook, a weekly newspaper published in said county, and that the publication of a certain notice of which the foregoing is a true copy, has been made in said paper for four consecutive weeks, towit: On the 7th day of January, 1911, on the 14th, day of January, 1911, on the 21st day of January, 1911, and on the 28th day of January, 1911.

Ben deLemos.

Sworn to and subscribed before me on this the 31st day of January, 1911.

Frank Stollenwerck, Jr.,
Notary Public.

H. 302. To repeal, so far as the same applies to Clarke county, an act entitled "an act to amend section 1632 of the code, so far as the same relates to Crenshaw and Clarke counties, approved Feb. 12, 1887.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows: .

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama to repeal, so far as applies to Clarke county, an act entitled "an act to amend section 1632 of the code, so far as the same relates to Crenshaw and Clarke counties." Acts of Alabama 1886-87, page 170.

The State of Alabama, }
 Clarke County. }

Before me, Frank E. Poole, a notary public, in and for said county and State, personally appeared A. B. Tucker, who being by me first duly and legally sworn, deposes and says, that he is the editor and proprietor of the Thomasville Echo; that the said Thomasville Echo is a newspaper published in the town of Thomasville, Clarke county, Alabama; that the notice a copy of which is hereto attached was inserted, published and appeared in the said paper for four consecutive weeks, viz: Nov. 24th, 1910, Dec. 1st, 1910, Dec. 8th, 1910, Dec. 15th, 1910, without cost to the State of Alabama.

A. B. Tucker.

Subscribed and sworn to before me this the 28th day of January, 1911.

Frank E. Poole,

Notary public in and for the County of Clarke in the State of Alabama.

W. F. Herbert,

Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

- H. 145, 181, 207, To Revision of Laws.
- H. 206, 242, 309, 321, To Fees and Salaries.
- H. 144, 200, 421, To judiciary.
- H. 253, 258, To Local Legislation.
- H. 302, To County and County Boundaries.
- H. 147, To Commerce and Common Carriers.
- H. 2, To Privileges and Elections.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 87. To amend section 3798 of the code of Alabama of 1907.

H. 108. To amend section 3418 of the code of Alabama.

H. 119. To amend section 7164 of the code of Alabama.

H. 39. To declare the effect of the plea of general issue in detinue suits.

~~H. 70. To amend section 6 of an act approved August 26th, 1909, entitled an act to provide for the appointment of an official stenographer for each of the circuit courts and of courts of like jurisdiction for which a stenographer is not now provided by law of the State of Alabama: To prescribe his duties, to fix his compensation and to provide for the payment of the same.~~

H. 124. To provide that any deed, mortgage or other conveyance of real property purporting on its face to have been executed in the name of any corporation, by any person as President, Vice President or Secretary of such corporation, shall, when attested or acknowledged, be prima facie evidence that said person was such officer of said corporation and was duly authorized by said corporation to execute such conveyance in its name.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bill:

S. 34. An act for the relief of Walter D. Windham, Senior, of Pickens county, Alabama.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from committee on Enrolled bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE GOVERNOR.

February 16th, 1911.

To The House of Representatives:

I herewith return House bill 39 without my approval and suggest the following amendments to meet my objections:

Amend the title by adding thereto the words "and to further regulate the practice in such suits."

Amend the bill by adding thereto an additional section to read as follows:

"Sec. 2. That upon the defendants disclaimer, or upon his failure to appear and plead in such cases, the plaintiff may take judgment against the defendant for the property sued for; and upon proof that defendant was in possession of the property sued for, at the time of the service of the writ, or at the commencement of the suit, the plaintiff may also recover of defendant the cost in the cause, and the value of the use of the property while in the possession of such defendant, and may also have a jury to assess the value of the property sued for, and have judgment thereon for the alternate value thereof, as is now provided by law."

Emmett O'Neal,
Governor.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his excellency the governor with his objections and proposing an amendment to

H. 39. To declare the effect of the plea of the general issue in detinue suits.

And the House has amended the bill as proposed by the Governor by adopting and concurring in such proposed amendments.

Yeas, 85; nays, 0.

Which is a majority of the whole number elected to the House and the House herewith sends said bill with the governor's message and proposed amendments herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Stevens, the Senate concurred in and adopted the amendment proposed by the governor to House bill 39, the title of which is set out in the foregoing message from the House, and said proposed amendment is set out in the foregoing message from the governor.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Justice	Rogers
Morrow, Pres. Pro tem	Kilby	Screws
Allen	Lovelace	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Brown, W. T.	Moody	Sprott
Curry	Moulthrop	Stevens
Fite	Plowman	Stokes
Godbold	Renfro	Vaiden

Nays, 0.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 168. To amend section 4546 of the code of Alabama, of 1907.

H. 250. To amend section 6215 of the code of Alabama of 1907.

H. 252. To amend section 6573 of the code of Alabama of 1907.

H. 280. To amend sections 7049, 7050, 7052, 7053, and 7054 of the code of 1907.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 168, To Insurance.

H. 250, 280, To Public Health.

H. 252, To Fees and Salaries.

RECONSIDERATION OF VOTE.

Mr. Atkins, who voted yea, moved to reconsider the vote by which the Senate on yesterday passed:

S. 165. To amend section 6634 of the 1907 code of Alabama.

Which motion prevailed.

Mr. Tunstall moved to reconsider the vote by which said bill was ordered to a third reading.

Which motion also prevailed.

Mr. Godbold moved to indefinitely postpone said bill which motion was lost.

Yeas, 13; nays, 17.

Yeas:

Messrs.:	Merrill	Screws
Atkins	Miller	Sherrod
Brown, C. W.	Moulthrop	Stevens
Godbold	Renfro	Tunstall
Lovelace	Rogers	

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Nays:

Messrs.:	Fite	Plowman
Morrow, Pres. Pro tem	Frazer	Sloan
Allen	Justice	Spragins
Beasley	Moody	Sprott
Brown, W. T.	Nance	Stokes
Crumpton	Norman	Vaiden

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And said bill was again read a third time at length and passed.

Yeas, 19; nays, 11.

Yeas:

Messrs.:	Frazer	Rogers
Morrow, Pres. Pro tem	Justice	Sloan
Allen	Lovelace	Spragins
Beasley	Moody	Sprott
Brown, W. T.	Nance	Stokes
Crumpton	Norman	Vaiden
Fite	Plowman	

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Nays:

Messrs.	Merrill	Screws
Atkins	Miller	Sherrod
Brown, C. W.	Moulthrop	Stevens
Godbold	Renfro	Tunstall

—11

BILLS ON THIRD READING.

The bill:

H. 132. To authorize and empower the court of county commissioners of the county of Morgan, to

make appropriations to the Salvation army to be used exclusively for charitable purposes in said county.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.	Moody	Screws
Morrow, Pres. Pro tem	Moulthrop	Sherrod
Allen	Nance	Spragins
Atkins	Norman	Sprott
Brown, W. T.	Plowman	Stevens
Fite	Renfro	Stokes
Godbold	Rogers	Vaiden
Miller		

—21

Nays, 0.

The bill:

S. 233. To establish and create the Hale County Law and Equity Court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court and to authorize the Judge thereof to establish such rules and procedure as may be required for a proper system of practice for said court, and to amend the same.

Was read a third time at length and passed, and ordered sent to the House without Engrossment.

Yeas, 27; nays, 1.

Yeas:

Messrs.:	Godbold	Rogers
Morrow, Pres. Pro tem	Kilby	Screws
Allen	Lovelace	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Sprott
Brown, C. W.	Moody	Stevens
Brown, W. T.	Moulthrop	Stokes
Crumpton	Norman	Tunstall
Curry	Renfro	Vaiden
Fite		

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Nays: Mr. Spragins.—1.

The bill:

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair county. A board of road commissioners provided for. Their appointment, how made. Vacancies, how filled. Organization of such board. ~~Duties of the chairman. Duties of the secretary and treasurer.~~ Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc. On commissioners' court with reference to public roads, etc. Now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause.

Was taken up.

The following amendment offered by the committee:

Amend section 31 after the words "as fast as received" add "equal amount if possible in the different banks of the county in good financial standing, bank nearest to where expenses accrue to be drawn on near as can be first," and in the place of "in some bank or banks, to be designated by the said board."

Was adopted.

Yeas, 19; nays, 3.

Yeas:

Messrs.:	Fite	Plowman
Morrow Pres.Pro tem	Godbold	Rogers
Allen	Justice	Sherrod
Beasley	Kilby	Sprott
Brown, C. W.	Merrill	Stevens
Brown, W. T.	Miller	Vaiden
Curry	Moody	

—19

Nays: Messrs. Moulthrop, Renfro, Spragins.—3.

And said bill as thus amended was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.	Kilby	Rogers
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Curry	Moody	Stevens
Fite	Norman	Stokes
Godbold	Plowman	Tunstall
Justice	Renfro	Vaiden

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Nays, 0.

RETURN AND RECOMMITMENT OF BILL.

Mr. Kilby from the committee on Municipalities and Municipal Organizations, returned to the Senate:

S. 173. To amend sections 60 (406), 61 (407) and 67, (413) of the code of Alabama of 1907.

And upon his motion the same was recommitted to the committee on Education.

TAKEN FROM ADVERSE CALENDAR.

On motion of Mr. Justice, and by the unanimous consent of the Senate:

S. 210. To amend section 1715 of the code of Alabama, by increasing the powers and duties of the county boards of education and courts of county commissioners in relation to the improvement of the sanitary condition of the public school houses of the State.

Was taken from the adverse calendar of the Senate, and by the unanimous consent of the Senate said bill was recommitted to the committee on Public Health.

REPORT OF SPECIAL JOINT COMMITTEE.

Mr. Norman from the special joint committee appointed for the purpose of visiting the mercy home industrial school, boys industrial school and Alabama home of refuge, makes to the Senate the following report:

Report of the joint committee of House and Senate appointed to visit and report as to conditions and needs of the mercy and industrial home for white girls located in the Birmingham district. All the joint committee found a well equipped plant worth \$40,000 to \$50,000 well located, and recommend that the State appropriate \$4,000.00 annually as maintenance fund. And when in the discretion of the governor and attorney general, the needs of the school demands more room, and the condition of the treasury will justify the appropriation that \$20,000.00 shall be appropriated to erect a duplicate building to the one now on the grounds and ready for use. And when this appropriation is made and accepted the property shall be transferred to the State.

As to the boys industrial school, we found 218 bright boys being well cared for, and contented and happy. We recommend the annual appropriation be increased from \$100.00 per capita to \$137.50. We recommend appropriation for additional improvement for the better equipment of the industrial department, of \$15,000.

Jas. D. Norman, T. S. Plowman, N. D. Godbold, Senate Committee; J. B. Rylance, W. O. Mulky, Dan Walden, W. E. McGowen, J. W. Green, House Committee.

The majority report as to Alabama Home of refuge with accompanying minority report. As to "The Alabama home of refuge," we beg leave to say, that we visited said institution and thoroughly inspected the property. We found that the lot was large and well located, with room for extension or new buildings should same be required. Prominent real estate men value the property at not less than \$7500.00. The building thereon could not, in our judgment, be erected for less than \$5500.00 or \$6000.00. We understand that the number of inmates has varied from 12 to 25, and this when every dollar has gone to support this good cause has been raised by piece meal from day to day. We were met at said institution by some of those noble women of Birmingham, who are earnestly endeavoring to save and care for unfortunate women. It was explained to us that already a number of girls had been restored to their homes from which they had been cast out.

Believing that this is a noble work and that great good will come from it, and that it has passed beyond the experimental stage, we recommend that an appropriation of \$4,000.00 be made out of any funds in the State treasury not otherwise appropriated, for the purpose of paying the balance due on the purchase price of said property of said institution, upon the conveyance of said property to the State.

And we further recommend that out of the State treasury there be appropriated the sum of \$3,000.00 per annum for the years 1911, 1912, 1913, and 1914, respectively, payable quarterly.

N. D. Godbold, J. B. Rylance, Dan Walden, W. E. McGowen, J. W. Green, W. O. Mulkey.

A MINORITY REPORT ONLY AS TO THE HOME OF REFUGE.

As to "The Home of Refuge for Women," the committee disagree. We, the undersigned, beg leave to say,

we do not believe it is a wise policy for the State to assume the charge of such an institution at this time. We believe its a noble christian spirit as expressed by our Christian women to aid and restore their fallen sisters, yet we believe they can better direct this work at this time than the State could do, or would do, and ~~we are now recommending relief for two of the institu-~~ tions in this section that have been in the past very largely supported by charity. In the proposition to establish the Industrial school for girls, we give relief to girls up to 16 years of age.

We respectfully submit this our minority report.

Jas. D. Norman.

T. S. Plowman.

EXHIBIT A TO A REPORT OF SPECIAL COMMITTEE.

Expense account of special committee raised by S. J. R. 37. To visit mercy home industrial school, boys' industrial school, and Alabama home of refuge.

(Committee on part of the Senate.)

N. D. Godbold Hotel and traveling expenses, \$10.

J. D. Norman, hotel and traveling expenses, \$10.

T. S. Plowman, Hotel and traveling expenses, \$10.

(Committee on part of the House.)

Dan Walden, necessary traveling expenses, \$7.

J. W. Green, necessary traveling expenses, \$10.

W. E. McGowen, necessary traveling expenses, 10.

J. B. Rylance, necessary traveling expenses, \$10.

W. O. Mulkey, necessary traveling expenses, \$10.

We hereby certify that the above and foregoing expense account is correct.

This 14th day of February, 1911.

J. D. Norman, T. S. Plowman, N. D. Godbold, Committee on part of the Senate; J. B. Rylance, Dan Walden, W. E. McGowen, J. W. Green, W. O. Mulkey, Committee on part of the House.

Said report was read and referred to the committee on Finance and Taxation a standing committee of the Senate.

CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock m. having arrived, the Senate proceeded to consider the special order for the hour which was:

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

Mr. Moulthrop offered the following amendment to said bill:

No. 1. Section 7. Beginning third line of said section to read as follows:

"The superintendent of banks shall be required for the purpose of carrying out the provisions of this act; to divide the State into three separate districts. He shall visit or require one of the bank examiners to visit for the purpose of examining and to examine each corporation doing a banking business and every individual banker doing a banking business in and under the laws of Alabama at least twice each year, provided, however, that no examiner shall examine the same banks in the same district twice in succession.

Which was on motion of Mr. Renfro laid upon the table.

Mr. Moulthrop then offered the following amendment to said bill:

No. 2. To amend section 1, lines 28 and 29, by striking the following words: "With two or more sureties or" and substituting in lieu thereof: "A surety company or companies qualified to do business in the State of Alabama."

Which was adopted.

Yeas, 26; nays, 1.

Yeas:

Messrs.:	Atkins	Crumpton
Morrow, Pres. Pro tem	Beasley	Fite
Allen	Brown, C. W.	Frazer

Godbold	Nance	Sloan
Kilby	Norman	Spragins
Lovelace	Plowman	Sprott
Merrill	Renfro	Stokes
Moody	Rogers	Tunstall
Moulthrop	Screws	Vaiden

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Nays: Mr. Sherrod.—1.

Mr. Atkins then offered the following amendment to said bill:

No. 3, Section 20. No bank shall lend money to any salaried officer or agent, or employee of the bank without the loan being submitted to and approved by the board of directors of the bank (where the bank is a corporation), and to all of the officers of the bank where the bank is not a corporation, nor shall any such loan be made without good security, except 10 per cent. of the capital stock as provided for in section 21 of this act; provided, however, if the board of directors of a corporation has delegated the power to pass on loans to a committee, to approval of such loan and of the security to secure the loan by such committee may be made in lieu of the approval of the board of directors. Nor shall any loan be made to any firm or corporation in which any salaried officer, agent or employee of the bank owns an interest without the loan being submitted to and approved by the board of directors of the bank or such loan committee.

Which was on motion of Mr. Renfro, laid upon the table.

Yeas, 17; nays, 14.

Yeas:

Messrs.:	Kilby	Sherrod
Morrow Pres. Pro tem	Miller	Sloan
Brown, C. W.	Moody	Sprott
Brown, W. T.	Nance	Stevens
Curry	Norman	Tunstall
Godbold	Renfro	Vaiden

Nays:

Messrs.:	Fite	Rogers
Allen	Frazer	Screws
Atkins	Lovelace	Spragins
Beasley	Merrill	Stokes
Crumpton	Moulthrop	

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Mr. Plowman offered the following amendment to said bill:

No. 4. Amend section one, page two, line twenty-two, to read as follows:

The superintendent of banks shall receive an annual salary of twenty-five hundred (\$2500) dollars, to be paid monthly in same manner as the salaries of other State officers are paid.

Which was on motion of Mr. Renfro laid upon the table.

Yeas, 16; nays, 15.

Yeas:

Messrs.:	Kilby	Spragins
Morrow, Pres. Pro tem	Lovelace	Stevens
Allen	Moody	Stokes
Brown, C. W.	Renfro	Tunstall
Fite	Sherrod	Vaiden
Godbold	Sloan	

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Nays:

Messrs.	Frazer	Plowman
Atkins	Miller	Rogers
Beasley	Moulthrop	Sprott
Brown, W. T.	Nance	Stokes
Crumpton	Norman	Tunstall
Curry		

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Mr. Plowman then offered the following amendment to said bill:

No. 5. Amend section thirty-one, page 38, by inserting after the word "provided" in line 6, however, that each bank issuing such notes or drafts or promises to pay or what are commonly called clearing house certifi-

cates shall not issue said certificates to the amount exceeding seventy-five per cent of the capital stock of said bank.

Which, on motion of Mr. Renfro, was laid upon the table.

Mr. Fite offered the following amendment to said bill:

No. 6. Amend the bill by striking out the words "of not more than fifty (\$50.00) dollars against any bank doing business in such municipality," where they appear in section 6 thereof, and by inserting in lieu thereof the following, to-wit, "in proportion to the capital, surplus and undivided profits of the bank, of not more than the following amounts, to-wit:

Where the capital, surplus and undivided profits is \$25,000.00 or less, \$10.00; where the capital, surplus and undivided profits is more than \$25,000.00, and not more than \$50,000.00, \$20.00; where the capital, surplus and undivided profits is more than \$50,000.00 and not over \$75,000.00, \$30.00; where the capital, surplus and undivided profits is more than \$75,000.00 and not over \$100,000.00, \$40.00; where the capital, surplus and undivided profits is more than \$100,000.00 and not over \$125,000.00, \$50.00; where the capital, surplus and undivided profits is more than \$125,000.00 and not over \$150,000.00, \$60.00; where the capital, surplus and undivided profits is more than \$150,000.00 and not over \$175,000.00, \$70.00; where the capital, surplus and undivided profits is more than \$175,000.00 and not over \$200,000.00, \$80.00; where the capital, surplus and undivided profits is more than \$200,000.00 and not over \$225,000.0, \$90.00; where the capital, surplus and undivided profits is more than \$225,000.00 and not over \$250,000.00, \$100.00; where the capital, surplus and undivided profits is more than \$250,000.00 and not over \$500,000.00, \$150.00, where the capital, surplus and undivided profits is in excess of \$500,000.00, \$200.00; and on each branch of a bank ten (\$10.00) dollars."

The term "undivided profits," as used in this section shall be construed to mean the undivided profits as shown by the books of the bank.

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Morrow Pres.Pro tem	Justice	Renfro
Allen	Kilby	Rogers
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stokes
Fite	Nance	Tunstall
Frazer	Norman	Vaiden

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Nays, 0.

Mr. Atkins offered the following amendment to said bill:

No. 7. Section 20. No bank shall lend money to any salaried officer or agent, or employee of the bank without the loan being submitted to and approved by the board of directors of the bank (where the bank is a corporation), and to all of the officers of the bank where the bank is not a corporation, nor shall any such loan be made without good security; provided, however, if the board of directors of a corporation has delegated the power to pass on loans to a committee, the approval of such loan and of the security to secure the loan by such committee may be made in lieu of the approval by the board of directors. Nor shall any loan be made to any firm or corporation in which any salaried officer, agent or employee of the bank owns an interest without the loan being submitted to and approved by the board of directors of the bank or such loan committee.

Which was on motion of Mr. Renfro laid upon the table.

Mr. Fite offered the following amendment to said bill:

No. 8. Amend by inserting the words "of Alabama" immediately after the word "Legislature" where it appears in the enacting clause.

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Miller	Rogers
Morrow, Pres. Pro tem	Moody	Screws
Brown, C. W.	Moulthrop	Sherrod
Brown, W. T.	Nance	Spragins
Fite	Norman	Sprott
Justice	Plowman	Stokes
Kilby	Renfro	Tunstall
Merrill		

—21

Nays, 0.

Mr. Atkins moved to recommit said bill as amended to the committee on Finance and Taxation.

Mr. Sherrod moved to lay the motion made by Mr. Atkins on the table.

Which motion prevailed.

Yeas, 18; nays, 9.

Yeas:

Messrs.:	Godbold	Screws
Morrow, Pres. Pro tem	Kilby	Sherrod
Allen	Merrill	Sloan
Brown, C. W.	Moody	Spragins
Brown, W. T.	Norman	Sprott
Crumpton	Renfro	Tunstall
Fite		

—18

Nays:

Messrs.:	Miller	Rogers
Atkins	Moulthrop	Stevens
Justice	Plowman	Stokes
Lovelace		

—9

And said bill as thus amended was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:	Atkins	Brown, W. T.
Morrow, Pres. Pro tem	Beasley	Crumpton
Allen	Brown, C. W.	Curry

Fite	Nance	Sloan
Godbold	Norman	Spragins
Kilby	Plowman	Stevens
Merrill	Renfro	Stokes
Miller	Rogers	Tunstall
Moody	Sherrod	Vaiden
Moulthrop		

—27

Nays, 0.

RECESS.

At 1:50 o'clock p. m. on motion of Mr. Norman, the Senate recessed until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Thursday, Feb. 16, 1911.

Senate reassembled at 3:30 o'clock p. m.

ROLL CALL.

On a call of the roll a quorum of the Senate answered to their names.

CONSIDERATION OF LOCAL BILLS

Mr. Moody moved to consider only local bills this afternoon.

Which motion prevailed.

Mr. Tunstall moved that the roll be called and each Senator be allowed to call up one local bill.

Which motion prevailed.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sloan:

S. 277. To amend an act entitled an act to provide a better system of public roads for Blount county, approved Feb. 27th, 1907.

Public Roads and Highways.

With notice and proof, as follows:

TO INTRODUCE BILL.

Oneonta, Ala., Jan. 5, 1911.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama to amend the present road law of Blount county as follows: Reduce the number of days work in each year to four days or money to be paid in lieu thereof to \$1.00 per day or \$4.00 per annum.

Creating a vehicle and team tax on all vehicles and teams of any description that travel the roads of the county.

J. M. Harris,
T. W. Hood,
P. B. Mitchell.

State of Alabama, }
Blount County. }

Personally appeared before me, Aquilla J. Ketchum, a notary public, in and for said State and county, E. O. Davidson, who being duly sworn according to law, deposes and says that he is the publisher of the Blount County Journal, a newspaper published in said county, and that the publication of a certain notice, a true copy of which is hereto attached, has been in said newspaper for four weeks consecutively, to-wit: In the issues dated January 13th, 1911, January 20, 1911, January 27, 1911, and February 3, 1911.

E. O. Davidson, Publisher.

Subscribed and sworn to before me this 9th day of February 1911.

Aquilla J. Ketchum,
Notary Public for Blount County, Ala.

By Mr. Sloan:

S. 278. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the Ninth District Agricultural School and Experiment Station at Blountsville, Alabama.

Education.

By Mr. Morrow:

S. 279. To increase the powers and duties of courts of county commissioners and boards of revenue and county boards of education, in regard to the improvement of the sanitary condition of the public school houses of the various counties by authorizing the installation of incinerators therein.

Public Health.

MESSAGE FROM THE HOUSE.

Mr. President:

The House accedes to the request of the Senate for a committee of conference on the disagreement of the two houses on the House amendment to:

S. 45. To increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

Committee on part of the House: Messrs. Butt, Mulkey, Mastin.

And returns said bill herewith to the Senate.

W. F. Herbert,
Clerk.

COMMUNICATION.

The following communication was received and read, to-wit:

Tuscaloosa, Ala., Feb. 14, 1911.

Hon. Walter D. Seed,
Lieutenant Governor.
Montgomery, Alabama.

Dear Sir:

As secretary of the board of trustees of the university of Alabama, I herewith transmit, through you, to

the Senate of Alabama, a copy of a resolution adopted by said board at its recent meeting held in Montgomery, in reference to the medical department of the university at Mobile.

With high esteem, I remain,

Very respectfully,

Robinson Brown,

Per K. B.

RESOLUTION.

Whereas, in the year 1907, an arrangement was entered into whereby the medical college of Alabama conveyed to the State of Alabama its property, worth upwards of \$200,000, and the Legislature established the medical department of the university at Mobile, using for that purpose the property aforesaid; and,

Whereas, the State has since used upwards of \$50,000 in making permanent improvements upon said property; and,

Whereas, the said medical department has been conducted and is now being conducted with a high degree of success, and its standard has been elevated to such an extent that it stands now in class A of medical colleges, and will be further bettered and improved as the State supplies the means, and,

Whereas, such an institution must have material aid from the State, and Alabama needs but one institution of the character aforesaid, and is unable to maintain more than one such institution,

Therefore, be it resolved by the trustees of the university of Alabama, That they take pride in the aforesaid medical department located at Mobile, and believe that all appropriations which the State can afford to further medical education should go to the said institution, through the university of Alabama, and that any division of such appropriation would be injurious to the State's effort to aid medical education and to build up a great university.

Resolved further, That the Legislature now in session be advised of this action, and that the secretary

of this board do transmit a copy hereof to the Senate, and another copy to the House of Representatives."

I, Robison Brown, as secretary of the board of trustees of the university of Alabama, hereby certify that the foregoing is a copy of a resolution which was adopted by said board at its meeting held in the city of Montgomery, Alabama on the 11th day of February, 1911.

Robison Brown,
Secretary.

And, on motion of Mr. Sherrod, said communication was referred to the committee on Education.

BILLS ON THIRD READING.

The bill:

S. 230. To create the office of court reporter for Marengo County; to provide for his appointment and compensation; to provide his powers and duties; and to provide for the taking and collection and disposal of court reporter's fees in the courts of record of Marengo county.

Was read a third time, at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Merrill	Sherrod
Allen	Miller	Sloan
Beasley	Nance	Spragins
Brown, C. W.	Norman	Sprott
Curry	Plowman	Stevens
Fite	Renfro	Stokes
Godbold	Rogers	Vaiden

—20

Nays, 0.

The bill:

S. 231. To abolish the county court of Hale county, Alabama, to annul its jurisdiction, which court is provided for in and by article 3, chapter 198, of the code of Alabama, to repeal an act approved February 12th, 1879, entitled "an act to confer additional jurisdiction upon the county court of Hale county, and to regulate the proceedings therein," and to provide for the transfer

of all of the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes, and everything pertaining to said causes pending in said court, by the clerk thereof to the Hale county law and equity court.

~~Was read a third time at length and passed.~~

Yeas, 21; nays, 0.

Yeas:

Messrs.	Merrill	Sloan
Morrow, Pres. Pro tem	Miller	Spragins
Allen	Nance	Sprott
Beasley	Norman	Stevens
Brown, C. W.	Plowman	Stokes
Fite	Rogers	Tunstall
Godbold	Sherrod	Vaiden
Justice		

—21

Nays, 0.

The bill:

S. 232. To require the county solicitor of Hale county, Alabama, to attend the terms of the law and equity court of Hale county, Alabama, and to prosecute all criminal causes pending therein.

Was taken up.

Mr. Tunstall offered the following amendment, to-wit:

Amend Senate bill 232 by adding thereto the following, and same to be added as section two:

Sec. 2. That all solicitors' fees in felony cases shall, when collected, be paid by the clerk of said law and equity court of Hale county into the State treasury; and all solicitors fees in misdemeanor cases shall, when collected, be paid to the treasurer of Hale county, and be by him placed to the credit of the general fund of said county.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Atkins	Curry
Morrow, Pres. Pro tem	Beasley	Godbold
Allen	Brown, C. W.	Kilby

Miller	Renfro	Sprott
Moulthrop	Rogers	Stevens
Nance	Sherrod	Stokes
Norman	Sloan	Tunstall
Plowman	Spragins	Vaiden

—23

Nays, 0.

And the bill as thus amended was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Justice	Sherrod
Morrow, Pres. Pro tem	Kilby	Sloan
Allen	Miller	Spragins
Atkins	Nance	Sprott
Beasley	Norman	Stevens
Brown, C. W.	Plowman	Stokes
Curry	Renfro	Tunstall
Fite	Rogers	Vaiden

—23

Nays, 0.

The bill:

S. 160. To amend section 1941 of the code of Alabama of 1907.

By unanimous consent was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.	Miller	Sherrod
Morrow, Pres. Pro tem	Moulthrop	Spragins
Allen	Nance	Sprott
Brown, C. W.	Norman	Stevens
Fite	Plowman	Stokes
Justice	Renfro	Tunstall
Kilby	Rogers	

—19

Nays, 0.

RECOMMITMENT OF BILL.

The bill:

S. 183. To regulate the sale or other disposition of corn, oats, rye, barley, wheat and other grains, and to provide penalties for the violations thereof.

Was taken up, and on motion of Mr. Spragins, was recommitted to the committee on Agriculture.

ADJOURNMENT.

At 4:10 p. m. on motion of Mr. Sherrod, the Senate adjourned until 10:30 a. m. tomorrow.

TWENTY-FIFTH DAY.

Friday, Feb. 17th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Hudson of Geneva.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar	Plowman	

—34

JOURNAL.

On motion of Mr. Moulthrop, the reading of the Journal of yesterday was dispensed with and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Allen:

S. 280. To amend section 735 of the code of Alabama of 1907.

Public Health.

By Mr. Miller:

S. 281. To authorize a defendant charged with vagrancy, or with playing at a game with dice, commonly known as "craps," to demand an indictment by a grand jury, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Revision of Laws.

By Mr. Morrow:

S. 282. To amend sections 3615 and 3625, code of Alabama, 1907.

Corporations.

By Mr. Lovelace:

S. 283. To authorize the introduction in evidence of certified copies of any portions of the tract books kept in the office of the secretary of State purporting to show the disposition made by the State of any of its lands, and to prescribe the probative effect thereof.

Public Printing.

By Mr. Godbold:

S. 284. To amend section 3979 of the code of Alabama.

Judiciary.

By Mr. Stokes:

S. 285. To authorize the introduction in evidence of documents executed prior to February 12th, 1879, by the governor in person or in his name by his secretary, purporting to convey any of the State's lands, but ineffective as conveyances, and certified copies of the record of any such documents which have been recorded for as much as twenty years, and to prescribe the probative effect of such documents and copies.

Judiciary.

By Mr. Sherrod:

S. 286. To fix the times and places of holding the courts in the counties composing the eighth judicial circuit of Alabama.

Judiciary.

REPORTS OF COMMITTEES

Mr. Plowman, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sherrod:

S. 126. To allow Courts of County Commissioners and Boards of Revenue of the several counties of the State to appropriate money out of the common county funds for the repayment of money actually spent by the Judges of Probate for postage stamps used for official business.

By Mr. Screws:

S. 164. To provide for the appointment of an official bailiff for the city and circuit courts for the county of Montgomery, and to prescribe his duties, to fix his compensation, and to provide for the payment of the same.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 160. To amend section 1941 of the code of Alabama of 1907.

S. 230. To create the office of court reporter for Marengo county; to provide for his appointment and compensation; to provide his powers and duties; and to provide for the taking and collection and disposal of court reporter's fees in the courts of record of Marengo county.

S. 165. To amend section 6634 of the 1907 code of Alabama.

S. 231. To abolish the County Court of Hale County, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198, of the Code of Alabama, to repeal an act approved February 12th, 1879, entitled "An Act to confer additional jurisdiction upon the County Court of Hale County, and to regulate the proceedings therein," and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes, and everything pertaining to said causes pending in said court, by the clerk thereof to the Hale County Law and Equity Court.

S. 232. To require the county solicitor of Hale county, Alabama, to attend the terms of the law and equity court of Hale county, Alabama, and to prosecute all criminal causes pending therein.

And find same correctly Engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 38. To authorize the State to purchase the 6th volume of Mayfield's Digest of Alabama Reports.

S. 87. To enforce better sanitary conditions in inns, hotels, and restaurants and establishments providing like accommodations for the traveling public, with respect to cooking and eating utensils, linens, beds, closets, toilet rooms, and the screening of kitchen and serving or dining rooms, to define offenses for violations of this act and to fix fines and punishment therefor.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment to:

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

And requests committee of conference.

Committee on part of House: Messrs. Mulkey, Crawford, Smith.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Renfro, the Senate acceded to the request of the House for a committee of Conference on the disagreement of the two Houses on the Senate amendments to House bill 213. The title of which is set out in the foregoing message from the House.

The President pro tem appointed as committee on part of the Senate: Messrs. Sherrod, Renfro, and Kilby.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

H. J. R. 49. Resolved by the House, the Senate concurring, That when the House and Senate adjourn on Friday, February 17th, 1911, that they stand adjourned until 11:30 a. m. on Monday, February 20th, 1911.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House joint resolution in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. J. R. 49. To Rules.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bill:

S. 141. An act to provide for the appointment of railway policemen and public service corporation policemen; to prescribe their duties and compensation.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing message from committee on Enrolled bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 173. To amend section 1861 of the code of Alabama.

H. 328. To amend section 3684 of the code.

And send same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 173. To Education.

H. 328. To Revision of Laws.

RESOLUTIONS.

Mr. Kilby offered the following resolution:

S. R. 50. Resolved that Senate bill 208, be made a special order for 12 m. Monday, February 20.

Which was read and referred to the committee on Rules.

Mr. Beasley offered the following resolution:

S. R. 51. Whereas, the members of the Senate of Alabama have learned with sorrow of the visit of the angel of death to the family of their Brother Senator Hon. Felix Folmer of Crenshaw in the loss of their child,

Therefore be it resolved, That the Senate hereby expresses its deepest sympathy with him in his bereavement and takes this occasion of giving public expression thereto.

Which under a suspension of the rules, was unanimously adopted.

REPORT FROM COMMITTEE ON RULES.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following H. J. R., and ordered same returned to the Senate with a favorable report:

H. J. R. 49. Relative to adjournment of the two Houses today with the following amendment: "Amend by striking out Monday, February 20, and inserting Tuesday, February 21st."

Which said report was concurred in and said resolution as thus amended was concurred in and adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to H. J. R. 49, relative to a recess from today until Tuesday next.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed:

H. J. R. 52. Resolved by the House the Senate concurring, That the governor is hereby requested to return to the House, House bill 71 for the correction of an error made in the enrollment of the bill.

Also:

H. J. R. 53. Resolved by the House, the Senate concurring, That the governor is hereby requested to return to the House, House bill 183, for the correction of an error made in the enrollment of the bill.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate suspended the Rules and concurred in and adopted H. J. R's 52 and 53, set out in the foregoing message from the House.

RECONSIDERATION OF VOTE.

On motion of Mr. Justice, the Senate reconsidered the vote by which:

S. 183. To regulate the sale or other disposition of corn, oats, rye, barley, wheat and other grains, and to provide penalties for the violations thereof.

Was on yesterday recommitted to the committee on Agriculture and the same was again read a second time and replaced on the calendar for a third reading on tomorrow.

CONSIDERATION OF SPECIAL ORDER.

The hour of 11:30 o'clock a. m. having arrived the Senate proceeded to consider the special order for the hour which was:

S. 65. To amend chapter fourteen (14) of the code of Alabama relating to dispensaries, and, in doing so, to regulate and control the liquor traffic in said State.

The following substitute, offered by the committee on Temperance.

A BILL.

To be entitled an act to amend an re-enact, as amended, Chapter Fourteen (14) of the Code of Alabama relating to dispensaries, and, in doing so, to regulate and control the liquor traffic in said State and to provide for elections in reference to dispensaries.

ARTICLE I.

Election in reference to dispensaries.

228. *Petition for election to establish dispensaries.*—One-third of the qualified electors of any county, as shown by the last preceding registration of electors in such county, may file with the Probate Judge of their county a petition asking that an election shall be held in such county as to whether dispensaries shall be established in such county.

229. *Order for election, time of.*—On a day not less than fifteen nor more than twenty days after the filing of such petition the Probate Judge shall order an election to be held in said county on some Tuesday that shall not be less than thirty nor more than sixty days subsequent to the day on which such order is made, and not within thirty days of the time of holding in said county any State or national, general or primary election. Such order shall be recorded in a book kept by the probate judge.

230. *Copy of order for election; notice and publication of.*—The probate judge shall furnish the sheriff

with a copy of said order, and the sheriff shall give notice of said election by publication for twenty days in some newspaper of the county, or, if no newspaper is published in such county, by posting notices of such election in each precinct in said county.

231. *Managers and officers of election; appointment and qualification of.*—The probate judge, clerk of the circuit court, and sheriff of the county in which an election is ordered under this chapter shall, within ten days after the election is so ordered, appoint three inspectors or managers, two clerks and one returning officer for each precinct, polling or voting place in said county, to manage, conduct, and make the returns of such election. Such managers and clerks so appointed shall, as far as practicable, be equally divided between those who favor and those who oppose the establishment of dispensaries in such county for the purchase and sale of liquors. If county executive committees have been elected or appointed to conduct the canvass on either side, and

before the appointment of inspectors and clerks the chairman of any such committee furnishes the probate judge, clerk of the circuit court, and sheriff of the county, which said three officers shall be a board of elections, with a list containing as far as practicable the names of three men of each precinct or polling place in said county, all of said men having the qualifications required by law of inspectors of elections, then from said list the board of supervisors shall select for each precinct or polling place one man who shall be one of the managers for the precinct or polling place for which he was one of the men so suggested. From the names suggested for the several precincts or polling places such board shall select one man as a clerk for the precinct or polling place for which he was suggested.

232. *Notice to officers of appointment.*—As soon as practicable after the appointment of such managers, clerks and returning officers for said election, the sheriff shall notify them in writing of their appointment.

233. *Ballots; character and quantity of.*—The probate judge shall prepare and provide the necessary ballots, poll lists, tally sheets, return sheets, instructions

for holding the election, ballot boxes, voting booths, and other stationery or material necessary for the proper holding of the election, and the sheriff shall see that the same are delivered to one of the managers of each election precinct or voting place before the day of election. On the ballots to be used at said election shall be written or printed the words, "~~For Dispensary,~~" and under them the words, "Against Dispensary." Electors who favor the dispensary system for the purchase and sale of liquors as hereinafter set forth in this chapter shall make on the ballot a cross mark before the words, "For Dispensary," and electors who oppose such system shall make on the ballot a cross mark before the words, "Against Dispensary." But no ballot or vote shall be rejected or the count thereof refused for failure to comply with this section, if the ballot clearly shows or indicates the choice of the voter.

234. *Ascertaining results and making returns of elections.*—Immediately after the polls are closed the managers shall duly ascertain the result of such election at their respective voting places, and make due returns of the same to the probate judge of said county, and deliver the ballot box containing the returns so made, together with the ballots, poll lists, tally sheets, and other necessary papers, to the returning officer of such voting place, who shall deliver the same to the probate judge of said county at his office on the first day after the election.

235. *Canvassing returns and declaring results of elections.*—The probate judge, clerk of the circuit court and the sheriff of such county, acting as a board of supervisors, shall in open session on the first Saturday after the election, canvass the returns so made, and under oath make a certificate or statement in writing declaring the result of the election as to the entire county, showing the total vote of the county "For Dispensary," the total vote of the county "Against Dispensary," which side had a majority at such election and the amount thereof, and also the number of votes cast in each precinct "For Dispensary," and the number cast in each precinct "Against Dispensary."

236. *Report of result of election; publication and proclamation of.*—Such certificate or statement shall be filed at once in the office of probate judge and duly recorded. In a newspaper published in his county, or, if there be no newspaper published in such county, then by notice posted at the door of the court house, and in two other public places in his county, the probate judge shall make a proclamation stating the total vote of the county "For Dispensary" and the total vote of the county "Against Dispensary," and which side had a majority at such election and the amount thereof. If a majority of the votes cast at such election was "For Dispensary," then in such proclamation the judge of probate shall also state and declare that the county, giving its name, is and shall be called "Dispensary County."

237. *Who may vote at such election.*—All men who in their several counties are qualified electors under the constitution and general laws of this State at the time of the election provided for in this chapter, and only such, shall be entitled to vote in their several counties at any election held under the provisions of this chapter.

238. *Arrest for violation of election law.*—The sheriff, deputy sheriff or any constable shall arrest without process any person who violates the provisions of this article, or the provisions and incidents of said election laws, and commit him to jail until he shall give bond, with good and sufficient sureties, to be approved by the sheriff, for his appearance at the next term of the Circuit, County, or city court having jurisdiction of the offense, to answer any indictment which may be found against him.

239. *Contests of election.*—A contest of any election held under this article in any county may be made by any qualified elector of the county by executing bond, with two sufficient sureties, to be approved by the judge of probate of the county for the payment of the costs of the contest. Notice of the contest shall be served on the circuit solicitor of the county in which the contest is instituted. Upon the execution of a bond for costs, to be approved by the judge of probate of the county, said

solicitor shall respond in the name of the county and the county shall be contestee. Both in the lower and appellate courts said contest shall be a preferred case.

240. *Election, including contest, conducted under general election law.*—All provisions and incidents of the election law of this State, including a contest, which ~~pertain to the election of judges of probate, shall be ob-~~ served at the election herein ordered, as far as the same are applicable and not out of harmony with the provisions of this article. In general, all elections held under this article shall be held and conducted, except where it is otherwise provided in this article, under the general laws of this State, and the officers of election under general election laws of this State shall discharge and perform the same duties and receive the same compensation as are required of them and is provided for them in the general election laws of this State.

241. *Costs of elections.*—Such compensation and all costs of election shall be paid out of the county treasury of the county in which the election is held.

242. *Different elections in same county; when held.*—In the same county, different elections for the establishment of dispensaries may be held under this article. But when any election has been held under the provisions of this article in any county, no other election shall be held in such county under this article within two years from the date of such election.

243. *Elections for the abolition of dispensaries; when held.*—When an election has been held under this article in reference to the establishment of a dispensary or dispensaries in any county, and a majority of the electors have voted "For Dispensary" and said result has been declared and promulgated as above provided, then, after the lapse of two years from the date of said election, an election may be held in such county looking to the abolition or repeal as to such county of the dispensary system herein provided for. Such election may be caused or brought about by the filing of a petition as provided in section 228 of this article, asking that as to such county, the dispensary system shall be abolished or repealed. In such case an election in such county

shall be held and conducted in the manner and form, the name and object of such election being changed, that in this article are provided for election for the establishment of a dispensary or dispensaries. The ballots used at the election provided for in this section shall be marked "For Dispensary" and "Against Dispensary." The returns shall be canvassed and the results declared and proclaimed as provided in sections 235 and 236 of this article. Such elections for the abolition and repeal of dispensaries shall have all the incidents, privileges, and restrictions that are provided in this article for elections for the establishment of dispensaries. In general there may be county elections for the establishment of dispensaries or for the abolition and repeal of dispensaries by compliance with the provisions of this article, and such elections shall be conducted in the manner and form, and have the incidents, privileges, and restrictions herein provided, but such elections shall not be held in any case within less than two years after a previous election that has been held in such county with reference to the establishment or the abolition and repeal as to such county of the dispensary system provided for in this chapter. If at an election held for the repeal of a dispensary in any county a majority of the votes are cast "Against Dispensary" then the probate judge shall issue a proclamation declaring that such county has ceased to be a "dispensary county," and at the expiration of two years from the date on which said county became a "dispensary county" the dispensary system herein provided for shall cease. Upon compliance with the provisions of this chapter elections *pro* and *con* may be held for the establishment or repeal of dispensaries whenever desired.

243. *Officers failing to perform duties of election; penalty for.*—Any manager, clerk, returning officer, or other officer of said election who, without sufficient excuse, shall fail or refuse to perform any duty required of him under the provisions of this chapter, or of the general election laws, shall be liable to a penalty of not less than twenty-five and not more than five hundred

dollars to be recovered in a suit brought against him by the county in which the election was held. He shall also be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars.

ARTICLE II.

Establishing, maintaining and operating dispensaries.

244. *Municipalities which may establish and maintain dispensaries.*—Each incorporated city and town in each of the dispensary counties, as defined in this chapter, except the towns hereinafter described, within thirty days after the proclamation of the probate judge that his county is a dispensary county, may, in its corporate name, in its corporate capacity, and through its legislative body, establish, maintain, and operate the business of buying and selling spirituous, vinous and malt liquors, subject to the conditions and restrictions hereinafter mentioned.

245. *Dispensaries defined.*—The place at which such liquors are bought and stored and the place at which such liquors are sold, are, taken collectively, called a dispensary. But in this chapter the term dispensary is intended to designate only the place at which such liquors are sold unless the other and larger meaning is indicated by the context.

246. *Number of dispensaries regulated according to population.*—In each of said towns or cities which has a population of ten thousand persons, there shall be one dispensary, and only one. In towns or cities that have a population greater than ten thousand, and not exceeding twenty thousand, there may be two dispensaries. In general, there may be in each of said cities a dispensary for every ten thousand of its population. Cities whose population is over twenty thousand, and between multiples of ten thousand, may have a dispensary for every ten thousand of its population, and an additional dispensary for the excess of its population over the lower one of the said multiples. But no dispensary shall be established in a town that has less

than one thousand inhabitants, unless such town is a court house town or town in which the circuit court, or some court of similar jurisdiction is regularly held. The population of towns and cities shall be determined by the last preceding federal census. In towns or cities in which more than one dispensary is established the legislative body of such towns or cities shall designate such dispensaries as "dispensary No. 1," "dispensary No. 2," "dispensary No. 3," and so on.

247. *Dispensaries must be within corporate limits.*—Dispensaries shall be established and carried on only within the corporate limits of towns or cities.

248. *Amount of money invested in dispensary.*—Each municipality that carries on such business must invest in the business at the outset a sum of money not less than five hundred dollars for each dispensary it may establish. The liquors bought and sold as herein provided shall be of the purest and best quality.

249. *Purchasing agent, election and term of office; vacancies, how filled.*—There shall be a purchasing agent for each dispensary that may be established, the duties of such purchasing agent being hereinafter defined. The first purchasing agents for a dispensary or dispensaries established in any county under this chapter shall be elected within thirty days after the judge of probate has made proclamation as above provided that his county is a "dispensary county," and the term of office of said purchasing agents shall begin on the day on which the dispensary is opened, and shall continue for two years. The terms of their successors in office shall be two years. Purchasing agents shall not hold their offices in the same town or city for more than one term. But the filling of vacancy shall not prevent a purchasing agent from filling his office for the whole of the next succeeding term. Under all events, however, such purchasing agent shall hold office until his successor is elected and qualified.

250. *Powers and duties of purchasing agent.*—The purchasing agent shall buy spirituous, vinous and malt liquors and alcohol to be sold in the dispensary, and no liquors shall be sold in the dispensary except those

which have been purchased by him. He may submit to the dispensary chemist, hereinafter provided for, for inspection and analysis any liquors which he contemplates purchasing or has already purchased, and he shall not deliver to the dispenser any liquors which the chemist has pronounced unsuitable for use, but shall return such liquors to the person, firm, or corporation from which he bought them and make reclamation therefor if he has already paid for the same. If any person, firm or corporation has sold or attempted to sell to such purchasing agent any liquors that are impure and unsuitable for use, as determined by such chemist, then the purchasing agent shall make no more purchases from such person, firm or corporation during the next twelve months after such report of said chemist. The purchasing agent may, at his discretion, buy in bulk and have the liquors put in bottles. He shall not sell or give away any liquor whatever. He shall select and appoint each and every assistant, servant and employee that may be used in or about his work, and he shall be liable civilly for the acts and omissions of each of said assistants, servants and employees. The purchasing agent shall not employ any person under twenty-one years of age, or any man of intemperate habits, or any man who has previously been employed in or about such storage room for an aggregate time of two years, or any man who since September 1, 1907, has obtained or received from the United States Government a license to sell liquor anywhere in the State of Alabama. The purchasing agent shall keep an accurate account of what he purchases and of what he delivers to the dispenser. He shall fix the selling price of liquors, and when bottling he shall put a label on each bottle which shall state the kind and price of liquor the bottle contains. He shall keep an accurate account of all liquors purchased by him and of all liquors delivered by him to the dispenser, and of all liquors so delivered he shall take a receipt from the dispenser in such form and manner as the legislative body of his town or city may prescribe. On the first day of each month the said purchasing agent shall make a report

to the legislative body of his town or city in such form and in such way and manner as said body may direct and prescribe. Such report shall state the amount and cost of each kind of liquors purchased during the preceding month, the name of the person, firm or corporation from whom each purchase was made, the amount and kinds of liquor delivered to the dispenser during said month and the selling value of each, and shall give such other information as the legislative body may prescribe or desire. He shall manage and conduct the storage room, hereinafter described, of the dispensary for which he was elected such agent and shall have general charge of the premises on which said room is situated.

250. *Election and pay of chemist.*—The legislative body of the towns and cities in which dispensaries are established shall at the time of election of dispensers and purchasing agents also elect a chemist for their dispensary or dispensaries, who shall hold his office for the term of office of the dispensers and purchasing agents herein provided for. There shall be only one dispensary chemist in any one dispensary town or city. The chemist shall receive such compensation as may be allowed by the legislative body of the town or city for which he is elected. Such dispensary chemist shall inspect and analyze all liquors that may be submitted to him for analysis and inspection by the purchasing agent, state to the purchasing agent what liquors, if any, are unsuitable for use, and on the first day of each month make a report to the legislative body of his town or city of the analysis and opinions made and rendered by him during the preceding month. Such report shall be kept on file with the papers of such legislative body for a period of twelve months and a copy shall be retained by the chemist for a like period. Such chemist may be removed by such legislative body for cause. In case of a vacancy in the office of dispensary chemist from any cause, such legislative body shall at once fill the same.

251. *Bottles and packages; character and capacity.*—Whiskey, brandy, rum, gin and other spirituous liquors shall be put in bottles that hold only one quart,

in bottles that hold only one pint, in bottles that hold only one-half pint, in bottles that hold only one-quarter of a pint, in bottles that hold one-eighth of a pint, in bottles that hold only one-sixteenth of a pint, to the end that persons may be able to buy whiskey, brandy, rum, gin or other spirituous liquors in the small quantities above mentioned. ~~But no whiskey, brandy, rum, gin or other spirituous liquors shall be put in bottles that hold more than a quart.~~ The purchasing agents, may, however, put vinous and malt liquors, bottled in standard size bottles, and the dispensers may sell the same in the bottle in which it is bought.

252. *Storage and bottling room.*—The place where the liquors are received, stored and bottled and from which they are sent to the dispensary shall be called the storage room. The premises of the storage room shall be different from the premises of the dispensary, and not connected any way therewith. But they shall be in the same town or city as the premises of the dispensary.

252a. *Duties of purchasing agent.*—Under the provisions of this chapter and under the ordinances, rules and regulations, direction and control of the legislative body of the town or city in which the dispensary is located—which said ordinances, rules and regulations, direction and control shall in no wise be inconsistent with the provisions of this chapter—each purchasing agent shall manage and conduct the store room of the dispensary for which he was elected and shall discharge the duties of such purchasing agent.

253. *Time of opening and closing storage room.*—The storage room shall not be open and work shall not be done in the same between the hour of 6 p. m. of one day and the hour of 6 a. m. of the next day.

254. *Cash payments for purchases; how made.*—The purchasing agent shall pay cash for all liquors purchased by him by drawing his warrant on the dispenser, and the dispenser shall pay said warrant.

255. *Number of assistants, servants, and employees of purchasing agent; how determined.*—The number of assistants, servants, and employees to be used by the

purchasing agents, and the salaries and wages to be paid to each, shall be determined by the legislative body of the town or city in which the dispensary is located.

256. *Salaries and wages of assistants, employees, etc.*—The salaries or wages of the assistants, servants or employees of the purchasing agent shall be paid monthly on the last day of each month for services rendered during that month, and the amount thereof shall be made known to the assistants, servants and employees before such assistants, servants and employees are engaged. Said salaries and wages shall in no way or manner whatever be made or permitted to depend upon the amount of the sales of the dispensary.

257. *Selling price of liquors.*—The selling price of liquors sold in the dispensary shall be not greater than fifty per cent above the original cost or invoice price.

258. *Books, papers, accounts and records of purchasing agent; inspection of.*—The books, papers, accounts and records of every description of the purchasing agent shall be kept under and pursuant to the ordinances, rules and regulations of the legislative body of the town or city in which the dispensary is located, which said ordinances, rules and regulations shall in no wise be inconsistent with the provisions of this chapter. All such books, papers, accounts and records of every description of the purchasing agent, shall, at all times, be open to the inspection of the dispenser, and of the legislative body of his town or city, and of any and every member of such legislative body, and of every elector of his county.

259. *Dispenser, election and term of office; vacancies, how filled.*—There shall be a dispenser for each dispensary that may be established, the duties of such dispenser being hereinafter defined. The first dispenser or dispensers for a dispensary or dispensaries established in any county under this article shall be elected within thirty days after the judge of probate has made proclamation, as above provided, that his county is a "dispensary county," and the term of office of said dispenser shall begin on the day on which the dispensa-

ry is opened, and shall continue for two years. The term of their successors in office shall be two years. Dispensers shall not hold the office of dispenser in the same town or city for more than one term. But the filling of a vacancy shall not prevent a dispenser from filling his office for the whole of the next succeeding term. ~~Under all events, however, such dispenser shall~~ hold office until his successor is elected and qualified.

260. *Powers and duties of dispenser.*—Under the provisions of this chapter and under the ordinances, rules and regulations, direction and control of the legislative body of the town or city in which the dispensary is located—which said ordinances, rules and regulations, direction and control shall in no wise be inconsistent with the provisions of this chapter—each dispenser shall manage and conduct the dispensary for which he was elected. He shall select and appoint each and every assistant, servant and employee that may be used in or about his dispensary. But the dispenser shall not employ any person under twenty-one years of age, or any man of intemperate habits, or any man who since September 1, 1907, has obtained or received from the United States Government a license to sell liquor anywhere in the State of Alabama.

261. *Liabilities of dispenser.*—The dispenser shall be liable civilly for the acts and omissions of each of said assistants, servants, and employees.

262. *Number of assistants, servants or employees of dispenser; how determined.*—The number of the assistants, servants and employees of the dispenser, and the salaries or wages to be paid to each, shall be determined by the legislative body of the town or city in which the dispensary is located.

262a. *Salaries and wages of assistants, servants and employees of dispenser; how paid.*—The salaries or wages of the assistants, servants and employees of the dispenser shall be made known to the assistants, servants, and employees before such assistants, servants and employees are engaged, and said salaries or wages shall be paid on the last day of each month for services ren-

dered during that month. Such salaries and wages shall in no way or manner whatever be made or permitted to depend upon the amount of the sales of such dispensary.

263. *Nominating or selecting applicants for positions of dispensers and purchasing agents by the commissioners' court, one of whom must be selected by towns or cities.*—For the purpose of aiding, as hereinafter prescribed, in the selection of purchasing agents and dispensers for the dispensaries established under the provisions of this chapter, a meeting of the court of county commissioners of each county in whose towns or cities a dispensary is herein authorized to be established, and shall be called within fifteen days after the proclamation of the probate judge which states that his county is a "dispensary county," unless there is a regular meeting of such court within that time. At any regular or called meeting of said court of county commissioners that may be held within fifteen days after the judge of probate has issued said proclamation, and at any regular or called meeting of said court that may be held during the last three months of the first terms of office of the purchasing agent and dispenser as herein provided, and during the last three months of each successive term of office of such purchasing agent and dispenser, and said court of county commissioners shall furnish to the mayor or other chief executive of those towns or cities in their respective counties in which dispensaries are authorized to be established, the names of three times as many men as the number of dispensaries which towns and cities of their respective counties are severally authorized to establish, specifying the men who are nominated or assigned to each particular dispensary town or city in their county, and stating that the men whose names are so furnished are the men from whom the legislative body of such towns or cities must select its dispenser or dispensers. The plan, method or system above provided for the selection of dispensers shall be observed, without change, in and for the selection of purchasing agents. It shall be the duty of the proper officer to call a meeting of the court

of county commissioners whenever it is necessary to carry out the provisions of this chapter.

264. *Qualifications and eligibility for nomination to office of dispenser or purchasing agent.*—The dispenser and purchasing agent shall be residents of the county by whose court of county commissioners they may be nominated as aforesaid, shall be qualified electors, ~~and shall be regarded as honest,~~ temperate, law-abiding, and competent to discharge the duties of dispenser and purchasing agent, respectively, as herein provided, in the towns or cities in which their dispensaries are severally located. The court of county commissioners must not nominate for the position of dispenser or purchasing agent any man who since Sept. 1, 1907, has obtained or received from the United States Government a license to sell liquor anywhere in the State of Alabama.

265. *Election of dispensers and purchasing agents by towns and cities.*—On a day not less than ten days before the first day of the first term of office and on a day not less than ten days before the first day of each succeeding term of officer herein provided for, the legislative body of each of said towns and cities shall, from the names so furnished to them through their respective chief executive as herein before provided, elect a dispenser or dispensers and purchasing agent or purchasing agents for its town or city, assigning to each dispenser and purchasing agent his dispensary. Said dispenser, under the direction and control as aforesaid of the legislative body of the town or city in which his dispensary is situated, shall sell liquors and manage and conduct his dispensary for a term of two years, and until his successor is elected and qualified. Said purchasing agent, under the direction and control as aforesaid of the legislative body of the town or city in which his dispensary is situated, shall buy liquors and manage and conduct his storage room for a term of two years, and until his successor is elected and qualified.

266. *Dispenser or purchasing agent shall not interfere with the duties of the other.*—The purchasing agent shall not interfere with the duties and privileges of the dispenser, and the dispenser shall not interfere with the duties and privileges of the purchasing agent.

267. *Money to be used by dispensary, how provided.*—Each town or city that operates a dispensary shall provide each dispenser with whatever money it wishes to use in the operation of his dispensary, and such money shall be placed in bank to the credit of the dispenser.

268. *Bond and oath of dispenser and purchasing agent.*—Before entering upon the duties of his office each dispenser and purchasing agent shall make oath before an officer authorized to administer oaths that since the first day of September, 1907, he has not obtained or received from the United States Government a license to sell liquors anywhere in the State of Alabama, and that he will obey all laws of the State of Alabama, and of the town or city of which he is a dispenser or purchasing agent relative to the sale, giving away, or delivery of liquors of any kind. Each dispenser and purchasing agent shall also, before beginning business, execute to his town or city a bond conditioned for the honest and faithful discharge of his duty as such dispenser or purchasing agent. Said bond shall be for the sum of three thousand dollars, shall have two sufficient sureties, and shall be approved by the mayor, or other chief executive of said town or city. Any person who may be injured by the failure of the dispenser or purchasing agent to observe the provisions of this chapter or of any rule, ordinance, or regulation of his town or city in reference to his dispensary may sue on said bond. For neglect of business, incompetency, misfeasance or malfeasance in office, or drunkenness, a dispenser or purchasing agent may be impeached by the legislative body of his town or city, and, on conviction, removed from office.

269. *Vacancy, how filled.*—Whenever a vacancy in the office of either dispenser or a purchasing agent occurs in any town or city from any cause whatever, the mayor, or other chief executive of such town or city shall certify that fact to the judge of probate of the county in which said town or city is situated. Said mayor or other chief executive of such town or city may appoint a temporary dispenser or purchasing agent to

hold office until a vacancy shall be filled as herein provided. Said judge shall immediately call a meeting of the county commissioners of his county, and said court shall nominate and furnish to said mayor, or other chief executive, the names of three men having the aforesaid qualifications for dispenser or purchasing agent, and ~~from these three names the legislative body of said town~~ or city shall elect a dispenser or purchasing agent to fill the vacancy.

270. *Salaries of dispenser and purchasing agent.*—The legislative body of the towns and cities in which dispensaries may hereafter be operated shall pay to its purchasing agent or purchasing agents and to its dispenser or dispensers a salary which shall be fixed by said body at least five days before the dispensers and purchasing agents are nominated by the court of county commissioners, and such salary shall not be changed during their term of office. The salary of a dispenser shall not be less than two thousand dollars or more than three thousand dollars per annum, and shall be paid in equal monthly installments on the last day of each month. The salary of a purchasing agent shall be the same as that of the dispenser of his dispensary, and shall be paid in equal monthly installments on the last day of each month for services rendered during that month. Said legislative body shall not make or permit the amount of the salary of the dispenser or the amount of the salary of the purchasing agent to depend in any way, or in any degree whatever on the amount of sales that may be made by its dispenser or dispensers.

271. *Only one sale a day to same person.*—The dispenser shall not sell, hand or deliver liquors to the same person oftener than once in any one day, whether the sale, handing or delivery be to such person on his own account, or for his own use and benefit, or on account of or for the use and benefit of some other person, firm, or corporation.

272. *Hours of sale.*—No sale of liquors of any kind shall be made between the hour of 6 p. m. of one day and the hour of 6 a. m. of the next day.

273. *Drinking on premises prohibited.*—No dispenser or purchasing agent shall himself drink, consume, or give away any liquor of any kind, or in any quantity, on the premises of the dispensary or on the premises of the storage room. Said purchasing agent and dispenser shall not permit or suffer any assistant, servant, employee, purchaser from the dispensary, or any person whomsoever to drink, consume, or give away, any liquor on said premises. But this section shall not be construed so as to permit the dispenser or purchasing agent, or some employee designated by the latter from sampling liquors which the purchasing agent may contemplate purchasing. The dispenser and purchasing agent shall severally report to the grand jury or to the solicitor of his circuit court, county court, or city court any one whom they severally believe to be guilty of violating the provisions of this section.

274. *Sealed and broken packages.*—The dispenser shall not keep in his dispensary any broken package of liquor. If a package has been accidentally broken, the contents shall at once be bottled and the bottle sealed. The dispenser shall not sell any spirituous, vinous, or malt liquors that are not contained in sealed packages.

275. *Other duties and requirements of dispenser.*—The dispenser shall sell no liquors of any kind except those which he receives from the purchasing agent of his dispensary. He shall not sell on Sunday, or sell to minors. He shall not sell at one time more than one quart of whiskey, brandy, rum, gin or other spirituous liquor, or more than one quart of all of such liquors together. He shall sell for cash only. He shall keep an accurate record of the amount of each day's sales. The dispenser shall buy furniture, fixtures, and appliances for his dispensary. On application of his purchasing agent he shall also buy furniture, fixtures, and appliances for the storage room. He shall pay all expenses of the dispensary, including thereof the storage room, and take a voucher for all moneys disbursed. The expenses of the storage room shall be paid by the dispenser on warrants drawn on him by the purchasing agent.

276. *Books and papers open to inspection.*—The books, papers, accounts, and records of every description of the dispenser shall be kept under and pursuant to the ordinances, rules and regulations of the legislative body of the town or city in which the dispensary is located, which said ordinances, rules and regulations shall in no wise be inconsistent with the provisions of this chapter. All such books, papers, accounts and records of every description of the dispenser shall at all times be open to the inspection of the purchasing agent and of the legislative body of his town or city, and of any and every member of such legislative body, and of every elector of his county.

277. *Report of dispenser to legislative body, contents and publication of.*—On the first day of each calendar month each dispenser shall make to the legislative body of his town or city a complete statement of the assets and liabilities of his dispensary as they stood on the last day of the preceding month. Said report shall also state the average number of sales per business day, made during the preceding month. Said report shall at once be published in a newspaper published in the dispenser's county. Such report shall be made in such form, and under such directions, rules and regulations as the legislative body may prescribe. In said report the dispenser shall give full and accurate information as to the condition, expenses, profits, losses and status of his business. He shall give other and additional information, orally or in writing, whenever and as often as the legislative body of his town or city, or any member of said body, may require.

278. *Maintaining and operating.*—Subject to the provisions of this chapter, the legislative body of the towns and cities of dispensary counties may maintain and operate dispensaries and regulate and control the management and conduct of the same.

279. *Moneys of dispensary; how kept and deposited and paid and applied.*—Unless instructed by the legislative body of his town or city not to keep the dispensary money in a bank, the dispenser shall deposit the proceeds of each day's sales, and all other dispensary mon-

ey, if he has any, in some solvent bank. The dispensary money shall not be put on the dispenser's individual account in the bank, but to his credit, dispenser; and the dispensary money shall not be mixed with the dispenser's private funds. Checks or drafts drawn by the dispenser shall be countersigned by the mayor or other chief executive of his town or city, or by some member of the legislative body designated by the mayor or other chief executive to perform such duty. But any member of said body so designated shall not perform such duty for a longer time than six consecutive months. At the expiration of said time the mayor, or other chief executive, may designate some other member of said body to perform duties.

280. *Moneys and proceeds prorated between municipality and county.*—On the first day of each month the dispenser shall pay to the treasurer of his town or city fifty per cent of the net profits of the dispensary for the month preceding, and to the treasurer of his county fifty per cent of said net profits.

281. *Town or city; share of money, how may be used.*—The money so paid to the treasurer of the town or city shall be the exclusive property of such town or city, and may be used by the legislative body thereof in any way in which said body is authorized to spend the money of said town or city.

282. *County's share of money, how may be used.*—The money that is so paid to the county treasurer shall be the exclusive property of such county and in the discretion of the court of county commissioners of said county, may be used, in part, in giving pensions to such confederate veterans of their county as are entitled to receive pension from the State under the State laws. Said court of county commissioners is authorized to use said county dispensary money in any way said court may see fit in furthering the causes of education in the county, by giving pecuniary aid to schools and colleges under the control of the State or of the county, or of municipalities in the county in which the dispensary is located. All the county dispensary money, or so much of it as may not be used in paying

pensions as above provided, may be used in any way in which said court of county commissioners is authorized to spend county money.

283. *Money; how distributed to confederate veterans.*—Money that is to be paid to confederate veterans shall be distributed under the direction of said county commissioners. ~~But such distribution and payment~~ shall be made as far as practicable in the same manner in which confederate pensions are distributed and paid by the State, except, that State officers shall have nothing to do with the handling of such money.

285. *Capital stock of dispensary.*—The capital stock of dispensaries established and operated in any county under the provisions of this chapter, including furniture, fixtures, and appliances, shall be and remain the exclusive property of the several towns and cities in which the dispensaries are respectively established.

286. *Dispensary buildings, where located and how conducted.*—All dispensaries established under this chapter shall be located in public and convenient places and shall be used exclusively for buying, handling and selling liquors. No gates, doors, windows, or openings of any kind shall connect any dispensary with any adjacent house or lot so as to permit ingress into or egress out of such houses or lot from or into the dispensary. No blinds or screens, chairs or tables shall be set up or used in such dispensaries. No games, gaming, or loitering in the dispensary or storage rooms shall be allowed. Throughout the night a light or lights shall be kept burning in the dispensary, and no doors, blinds, curtains, shades, screens, or other thing shall be allowed to prevent persons on the outside of the dispensary from seeing inside thereof. The provisions of this section in reference to dispensaries shall apply to and be observed in the case of storage rooms. But this section shall not be construed so as to exclude from the dispensary and storage room such chairs and tables as may be actually needed for use of officers and employees of the dispensary and storage room.

287. *Definition of terms.*—The term "legislative body" where it appears in this chapter, is intended to

mean or designate the law making or governing body of the towns or cities herein referred to, whether said body is called mayor and aldermen, board or mayor and aldermen, council, town council, city council, intendant and town council, mayor and town council; mayor and city council, or by some other name. The term court of county commissioners, as used in this chapter, is intended to include the terms board of revenue, board of revenue and road commissioners, or any other term or designation by which the official body whose duties are the same as those of the court of county commissioners or similar thereto, may be called. The term "liquors" as used in this chapter, includes alcohol.

287a. *Sale of liquors except by dispensaries prohibited.*—This chapter is not intended to operate and shall not operate to authorize the sale of spirituous, vinous and malt liquors and intoxicating beverages at any place in the State except by and through dispensaries as herein provided.

287b. *Purchasing agent of dispensary, receiving commission, rebate, etc., penalty for.*—Any purchasing agent of a dispensary who takes or receives, directly or indirectly, any commission, percentage, rebate, gift, present, or compensation of any kind whatsoever which was paid or given him on account of his office and for the purpose of influencing his action or conduct in the same, or as a reward for such action or conduct, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one thousand dollars, and may also be sentenced to hard labor for the county for not more than twelve months, one or both, at the discretion of the jury.

287c. *More than one sale a day to same person and sales between 6 p. m. and 6 a. m. of next day prohibited, penalty.*—Any dispenser or any assistant dispenser, servant, or employee of a dispensary who sells, hands, or delivers liquors of any kind to the same person oftener than once in any one day, or makes any sale, handing or delivery of such liquors between the hour of 6 p. m. of one day and the hour of 6 a. m. of the next day,

shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than one hundred dollars.

287d. *Drinking on premises prohibited; penalty.*—Any person who drinks or consumes any liquor on the premises of the dispensary or on the premises of the storage room, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than ten nor more than one hundred dollars. But this section shall not apply to the dispenser, the purchasing agent or some employee of the purchasing agent when they are sampling liquors which the purchasing agent may contemplate purchasing.

287e. *Dispensers, assistants, or servants selling in violation of law, penalty.*—If the dispenser or any of his assistants, servants, or employees sells any liquor except those which the dispenser has received from the purchasing agent of his dispensary or sells any liquor on Sundays, or sells any liquor to minors, or sells at one time more than one quart of whiskey, brandy, rum, gin or other spirituous liquors or more than one quart of any two of such liquors, or more than one quart of all such liquors together, such dispenser, assistant, servant, or employee shall be guilty of a misdemeanor, and on conviction, shall be fined not less than ten nor more than one hundred dollars.

287f. *Drinking within fifty yards of dispensary, penalty for.*—Any person who drinks any liquor within fifty yards of the premises of a dispensary, unless he drinks it on his own premises lying within such fifty yards, and any person who, though living or doing business on premises that are within fifty yards of a dispensary, knowingly permits any person, not a member or guest of his family, to drink or consume any liquor on his said premises, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars and not more than twenty-five dollars. But any person who purchases or furnishes or aids in purchasing or furnishing the liquor which he drinks on premises within fifty yards above described in this section, shall not be considered a guest within the meaning of this section.

287g. *Sales otherwise than by dispensaries prohibited, penalty.*—Any person who sells any spirituous, vinous or malt liquors or intoxicating drinks or beverages of any kind in any dispensary county except by and through dispensaries herein provided for, shall be guilty of a misdemeanor and on conviction, shall be fined not less than twenty nor more than five hundred dollars. But nothing in this chapter shall be so construed as to prevent any person, firm or corporation from selling liquors by wholesale, in sealed packages, to dispensaries.

288. *When law shall apply to certain counties.*—This act shall not apply to any county which was under a prohibition law covering the entire county on January 1, 1907, or to any county whose county site on January 1, 1907, was under a prohibition law, unless such local law or laws and any general law which now prohibits the sale of liquor in such county should hereafter be repealed as to such county. But in the event of the repeal of such local laws and of such general law as to such county or counties this act shall apply to such county or counties immediately after such repeal.

Was adopted.

Yeas, 24; nays, 5.

Yeas:

Messrs.	Miller	Screws
Morrow, Pres. Pro tem	Moody	Sherrrod
Brown, W. T.	Moulthrop	Spragins
Crumpton	Nance	Sprott
Fite	Norman	Stevens
Frazer	Plowman	Stokes
Justice	Renfro	Tunstall
Kilby	Rogers	Vaiden
Lovlace		

—24

Nays: Messrs. Atkins, Brown, C. W., Curry, Espy, Fite.—5.

Mr. Stevens moved to lay said bill as thus amended on the table.

Which motion prevailed.

Yeas, 20; nays, 14.

Yeas:

Messrs.:	Folmar	Screws
Morrow, Pres. Pro tem	Godbold	Sherrod
Allen	Justice	Sloan
Atkins	Lovelace	Spragins
Brown, C. W.	Merrill	Sprott
Curry	Moulthrop	Stevens
Espy	Rogers	Vaiden

—20

Nays:

Messrs.:	Frazer	Norman
Beasley	Kilby	Plowman
Brown, W. T.	Miller	Renfro
Crumpton	Moody	Stokes
Fite	Nance	Tunstall

—14

Mr. Spragins moved that Senate remain in continuous session until the other special order for today was disposed of.

Mr. Frazer moved to substitute the motion made by Mr. Spragins, by the Senate adjourning until 3 o'clock.

Which substitute was lost.

Yeas, 6; nays, 27.

Yeas:

Messrs.:	Kilby	Norman
Crumpton	Miller	Renfro
Frazer		

—6

Nays:

Messrs.	Folmar	Screws
Morrow, Pres. Pro tem	Godbold	Sherrod
Allen	Justice	Sloan
Atkins	Lovelace	Spragins
Beasley	Merrill	Sprott
Brown, C. W.	Moulthrop	Stevens
Brown, W. T.	Nance	Stokes
Curry	Plowman	Tunstall
Espy	Rogers	Vaiden
Fite		

—27

Mr. Spragins' motion then prevailed.

The Senate then proceeded to consider the next special order for today, which was:

H. 376. To submit to the qualified electors of each of the counties in this State the question of whether or not the manufacture and sale of spirituous, vinous or malt liquors shall be legalized therein; and whether or not such liquors shall be sold by dispensaries or by private dealers under a license.

Mr. Tunstall offered the following amendments to said bill:

Amend section 10 $\frac{1}{2}$ by striking out "at least one policeman or marshal continually employed," and insert the following: "A population of 5,000 as shown by the last Federal census."

Also:

Amend by adding section 16 $\frac{1}{2}$ "that no local law prohibiting the sale or manufacture of spirituous, vinous or malt liquors shall be repealed by the provisions of this act."

Which was on motion of Mr. Stevens laid upon the table.

Yeas, 19; nays, 14.

Yeas:

Messrs.	Folmar	Screws
Morrow, Pres. Pro tem	Godbold	Sherrod
Atkins	Justice	Sloan
Beasley	Lovelace	Spragins
Brown, C. W.	Merrill	Stevens
Curry	Moulthrop	Stokes
Espy	Rogers	

—19

Nays:

Messrs.:	Kilby	Plowman
Brown, W. T.	Miller	Renfro
Crumpton	Moody	Spratt
Fite	Nance	Tunstall
Frazer	Norman	Vaiden

—14

Said bill was then, read a third time at length and passed.

Yeas, 21; nays, 12.

Yeas:

Messrs.:	Godbold	Sherrod
Morrow, Pres.Pro tem	Justice	Sloan
Atkins	Lovlace	Spragins
Beasley	Merrill	Stevens
Brown, C. W.	Moulthrop	Stokes
Curry	Rogers	Tunstall
Espy	Screws	Vaiden
Folmar		

—21

Nays:

Messrs.:	Kilby	Norman
Brown, W. T.	Miller	Plowman
Crumpton	Moody	Rogers
Fite	Nance	Sprott
Frazer		

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ADJOURNMENT.

At 6:20 o'clock p. m. on motion of Mr. Godbold, and in pursuance of H. J. R. 49, the Senate adjourned until Tuesday, February 21, 1911 at 11:30 o'clock a. m.

TWENTY-SIXTH DAY.

Tuesday, Feb. 21, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Mr. Avery of the House.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Allen	Beasley
Morrow Pres.Pro tem	Atkins	Brown, C. W.

Brown, W. T.	Lovelace	Screws
Crumpton	Merrill	Sherrod
Curry	Miller	Sloan
Espy	Moody	Spragins
Fite	Moulthrop	Sprott
Folmar	Nance	Stevens
Frazer	Norman	Stokes
Godbold	Plowman	Tunstall
Justice	Renfro	Vaiden
Kilby	Rogers	.

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JOURNAL.

On motion of Mr. Moulthrop, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. Judge Gilder, R. O. Simpson, Dr. W. M. Browder, Cecil Brown, G. A. Gulley, J. B. Ward, A. P. Smith, R. S. Seale, W. H. Ryan, D. J. Meador for today.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 389. To provide for the conviction and punishment of persons entering into written contracts for the performance of an act or service and the rent of land with intent to defraud and with like intent obtains money or property thereon.

H. 205. To provide for the regulation and licensing of dentists in the State of Alabama: to establish a Board of Dental Examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to

provide penalties and punishment for violations of the provisions of said act, and to repeal all general and local laws in conflict with said act.

H. 399. To provide the time of holding the circuit court of Coosa county at Goodwater.

H. 100. To establish the Cullman county law and equity court; to define its jurisdiction; to provide its ~~officers, define their powers, duties and fix their compensation~~; to fix the term of said court, and to prescribe and regulate the practice and procedure therein.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

EXHIBIT "A."

Notice is hereby given as required by section 106 of the Constitution of 1901, by the undersigned of the intention to apply to the next session of the Legislature of Alabama for the enactment of a law entitled "An act to establish the Cullman County Law and Equity Court; to define its jurisdiction; to provide its officers, define their powers, duties and fix their compensation, and to fix the term of said court, and to prescribe and regulate the practice and procedure therein."

The substance of said law is to create and establish for the county of Cullman, a court of original, general jurisdiction, which shall be styled The Cullman County Law and Equity Court, and to confer upon said court all the jurisdiction, functions and powers which are now, or may hereafter be by law conferred upon the circuit, chancery, and county courts, and courts of like jurisdiction in this State, and to regulate the procedure and practice in said court; to provide for the selection of a judge and solicitor for said court; to prescribe the powers and duties, and to provide for the compensation and term of office, and to provide for a clerk and register for said court; to prescribe the duties, powers and compensation and to provide for the selection of their successors; to fix and provide the terms, time and place of holding said court. To provide for juries therein; to provide for the issuance and the return of pro-

cess issued from said court, and to regulate the time for appearance and pleading therein; to provide for the trial and disposition of cases by the court without a jury, and the trial and disposition of cases by the court with a jury; to provide for the review of the decision of said court by the Supreme Court of Alabama; to give said court jurisdiction of all appeals from justice of the peace and other inferior courts, and to regulate the practice therein; to regulate the change of venue of cases in said court; providing that execution may issue on a judgment rendered by said court after the expiration of ten days and that judgment rendered by said court after the expiration of thirty days shall be final; to provide for the attendance and pay of witnesses and the time within which their attendance must be claimed; providing and prescribing the duties of the sheriff of Cullman county with reference to said court.

To provide for the taxing of cost and fees for services rendered in said court; to confer upon said court jurisdiction of all cases transferred from the circuit, chancery and county court of Cullman county, by operation of law or by consent of parties as though said suit was originally brought or filed in said court. To provide for the impeachment and removal of the officers of said court and cause therefor; to provide the records and the keeping of all the records of said court.

This December 19, 1910.

A. A. Griffith,
Representative of Cullman County.

The State of Alabama, } Office of
Cullman County. } Cullman Tribune.

Personally appeared before me, the undersigned W. E. James, a notary public in and for said county and State, Julia H. Gillespie, who being by me first duly sworn, deposes and says that she is the editor and publisher of the Cullman Tribune, a newspaper of general circulation, published weekly in Cullman county, Alabama; that the notice attached hereto as Exhibit "A" was published in said Cullman Tribune, without cost to the State, once a week for four consecutive weeks prior

to January 14th, 1911; said paper being published on Thursday of each and every week, and said notice appeared in the issue of the following dates: December 22nd; December 29, 1910; January 5th, and January 12th, 1911.

Mrs. J. H. Gillespie, Editor.

Sworn to and subscribed before me this the 13th day of January, 1911.

W. E. James,
Notary Public.

H. 425. To provide for the maintenance, construction and improvement of the public roads of Limestone County, Alabama, and to provide a special fund therefor.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

ROAD LAW.

Notice is hereby given of the intention to apply to the Legislature of Alabama to convene on the second Tuesday in January, 1911, for the passage of the following bill:

AN ACT

To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That on the approval of this act it shall be the duty of the court of county commissioners to appoint one road apportioner for each election precinct of said county. Such apportioner must be between the ages of 21 and 50 years and shall serve four years.

Sec. 2. The apportioners mentioned in the preceding section, shall, within thirty days from their appointment, divide the public roads of their respective precincts into appropriate divisions, not to exceed four

miles in length and shall designate each precinct by a number beginning at 1 and describe each number by its terminal point and shall, within thirty days from their appointment, appoint an overseer for each division and certify such appointment to the probate judge, who shall at once, issue commissions to such overseers. Commissions to apportioners or overseers may be served in person, or forwarded by mail.

Sec. 3. It is the express duty of the apportioners:

1. Within ten days after the appointment of overseers for his precinct to apportion the persons or hands among the several divisions of roads in their precinct according to the importance of each road to the public, and to change such apportionment from time to time as due regard to the public interest may require.

2. To provide each overseer in the precinct as early as practicable with a complete list of the names of the hands apportioned to his division.

3. To apportion among the several roads of the precinct, all horses, mules, oxen, wagons, scrapers, plows, machinery and all other implements, and furnish each overseer with a list of the same which shall accompany a list of the hands.

4. To inspect from time to time, and at least twice a year, the public roads within their precinct, notice the character of repairs and observe if such roads are regularly posted as required by law.

5. To report to the grand jury any overseer who has in any particular failed to discharge his duty on any road within his precinct.

6. To report all defaulters and see that they are prosecuted for failure to work.

7. Where any road runs on the line dividing two precincts the apportioners of each adjoining precinct shall divide the road between them, and have charge of the half agreed to be taken by each the same as though said road lay in his precinct. In the event the apportioners of the two adjoining precincts are unable to agree upon a division of the road, then the court of county commissioners shall divide said road between them.

Sec. 4. It is the express duty of the overseers of such public roads:

1. On the failure of the apportioners to furnish the lists required in subdivisions 2 and 3 of the preceding section to apply for and obtain the same if possible.

2. To call out the hands and persons, wagons, teams, scrapes, plows, and all animals, machinery and implements ~~subject to duty on their respective roads at their discretion~~, and to work with the same not less than five days and not exceeding ten days in each year.

3. To keep at the end of each mile, a mile post, marked with the number of miles to the court house or other noted place to which the road leads.

4. To erect index boards at all crossings and forks of roads with proper directions pointing towards the most noted place to which the road leads.

5. To build bridges and cause-ways where the same are necessary, after submitting same to the court of county commissioners and unless the court of county commissioners deem it expedient to have the same built by contract.

6. Where two precincts are divided by water courses of any depression that necessitates a bridge or cause-way, in conjunction with the adjoining overseer, to construct the same unless the court of county commissioners have the same built by contract, but this shall not apply to the Tennessee river.

7. To report to the grand jury any apportioner in his election precinct who fails to discharge his duty.

8. To report and prosecute all defaulters who fail to work on public roads or pay for same as required by law.

9. To keep the ford of any stream in order if practicable, when any bridge has been washed away, fallen down or becomes unsafe.

10. To keep in good condition all approaches to bridges and causeways whether the same are by contract with the commissioners or by direction of the overseer.

11. To repair all bridges and culverts when injured or broken, to open any drain, to fill any hole in the

road, or break in the pikes and to remove obstructions from the road, and when notified, either in person or in writing by a member of the court of county commissioners of said county to do or perform any of said duties, the same shall be done or performed by him within twenty-four hours after being notified, and upon his failure to do so, such overseer shall be guilty of a misdemeanor and upon conviction fined not less than ten nor more than fifty dollars.

12. To perform such other duties as are or may be required of them by this act, or by the general law of this State not in conflict with this act.

Sec. 5. Overseers and apportioners shall serve four years and in the event of vacancy, their successor shall be appointed as herein provided for the appointment of apportioners and overseers. Such successors shall serve out the unexpired term for which the apportioner or overseer, whose place they fill, was appointed.

Sec. 6. All persons are liable to work on the public roads except all females, all persons under the age of 18 and over the age of 45 years, all persons who have lost an arm or leg, and all persons, who by nature or disease, are rendered incapable of hard labor to be excused by the overseer, when such disability is proven to him. And all apportioners or overseers are exempt from road duty for a period equal to one-half the time served as such apportioner or overseer.

Sec. 7. All horses, mules, oxen, wagons, scrapers, plows, and all other implements and machinery, suitable for use and work on the public roads belonging to any individual or corporation in the county, or which belonging to any non-resident of the county but are in the county at the time notice is given to parties warning them to work the road, are subject to road duty in Limestone county, to be used in the precinct where the owner resides or where such are kept for use. But if the owner is a non-resident of the county to be used in the precinct where they are temporarily located, and they shall be subject to such duty for a time to be prescribed by the overseer. Provided no wagon or team, horse, or mule, or oxen shall be subject to road duty

for more than four days during any year; provided further, that all wagons and teams, horses, mules and oxen shall work an equal number of days.

Sec. 8. The mode of securing horses, mules, oxen, wagons, scrapers, plows, and all other implements and machinery is for the overseer to give two days notice in person or in writing to be left at the residence, to the owner thereof, but if there be no owner in the precinct, then to the manager, to have on the road such wagon and team, or horses, or mules, or oxen, or wagons, or scrapers, or plows, or implements, or machinery, as he may designate, and at the stated time and place.

Sec. 9. It is the duty of the overseer to repair and keep in good condition their respective roads. They must keep their roads in condition for the convenient and easy passage of buggies and for hauling of heavy drafts.

Sec. 10. Each person warned must attend or send a substitute, agreeable to the notice,—provided, however, that any person may pay to the overseer the sum of five dollars on or before the day he is warned to attend, and upon payment of said sum the overseer shall excuse him from work. It shall be the duty of the overseer to receive such money and apply the same to the hire of hands, wagons and teams, which he shall work on his road, or for materials used in the construction and maintenance of the said roads.

Sec. 11. Any apportioner, overseer, or other person who fails to perform any duty required of him by this act, or by the general laws of the State not in conflict with this act shall be guilty of a misdemeanor, and on conviction must be fined not less than ten nor more than fifty dollars.

Sec. 12. Any person appointed apportioner or overseer may send in his excuse for not accepting, or after he has accepted, may resign to the judge of probate. Such excuse or resignation must be in writing, the excuse for not serving, or the reason for resigning stated, and must be sworn to. The judge of probate shall pass upon excuse or resignation and by and with the consent of the court of county commissioners may accept the same.

Sec. 13. The judge of probate must keep in his office a well bound book to be labeled "road book" containing a complete list of all roads by precincts, their grades, number, description by terminal points, and overseers with the date of their apportionments. He shall keep in such book a complete list of apportioners.

Sec. 14. The mode of warning hands is for the overseer, or someone appointed by him, to give two days' notice, in person or in writing to be left at the place of residence, to all persons liable to meet at such times and places as the overseer may appoint and with such tools as he may direct. The person warning the hands in case the overseer appoints some one to warn the hands, shall be excused for such service from one day's work. Eight hours shall constitute a day's work under the provisions of this act.

Sec. 15. That in lieu of the work mentioned in section seven of this act, any person may pay per day for each wagon and team, two dollars; for each single horse and wagon, \$1.00; each single horse, 50c, and each wagon, 25c, and when so paid by the owner, they shall be exempt from further road duty for the time so paid for. It is the duty of the overseer to receive such money and use the same in the hire of hands, wagons and team, which he shall work on his road, or material used on his road. The overseer shall furnish a statement of the money received and the manner in which expended and to whom paid to the apportioner within sixty days after receipt of same.

Sec. 16. The court of county commissioners of Limestone county are empowered, at the time of making the annual levy of taxes for general county purposes, to levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt that may hereafter be created for the erection of necessary public roads and bridges, and shall be levied and collected as other county taxes, which taxes so levied and collected shall be applied exclusively to the purposes for which the same are so levied and collected.

Such tax so collected shall be held by the county treasurer as a special road fund for the county, and shall be expended by the said court of county commissioners as hereinafter in this act provided. The authority given in this section is to be exercised in the discretion of the said court of county commissioners and is not to be construed as mandatory on it to levy and collect this special tax for this special purpose, or to prevent said court from levying and collecting a special tax for any other purpose or purposes for which said court is authorized to levy and collect a special tax.

Sec. 17. The court of county commissioners of Limestone county may transfer to the road fund of said county any surplus of general funds of the county treasury, or any part of such surplus whenever in the judgment of said court it will promote the interests of the county to make such transfer. Such funds shall be expended by the said court of county commissioners as hereinafter in this act provided.

Sec. 18. The special taxes authorized to be collected and funds authorized to be transferred in the foregoing section 17 of this act, and all other money which may be received in any manner by said county for the road fund thereof, except in this act otherwise provided to be expended, shall be paid out or expended under the authority, superintendence or control of the court of county commissioners of said county and said money shall be used in purchasing or hiring scrapers, plows, and other road implements and machinery, wagons and teams for working said public roads, and in employing or hiring supervisors, agents, persons or hands for superintending or working the public roads of said county, and in grading, graveling and macadamizing same or the building of bridges or otherwise improving the said public roads, as the court may determine. And a strict account of all money received and how expended shall be reported and entered of record in the minutes of the court of county commissioners of Limestone county. And said court may require a bond in an amount to be prescribed by it of any person or agent whose duty it may become to pay out or expend said

money or any part thereof, for the performance and discharge of his duties; and it may also require a bond of any contractor with whom it may enter into a contract for working or improving the roads or any part of the public road of said county.

Sec. 19. The commissioners court of Limestone county shall have power at any time from the passage of this act, to appoint a custodian for all stone crushers, rollers and other machinery and implements belonging to the county and prescribe his duties with reference thereto and to fix his salary or compensation, and to pay him therefor.

Sec. 20. This act and the general laws of the state not in conflict with this act, shall constitute the law for Limestone county on the subject of public roads and bridges.

Sec. 21. That an act entitled an act to empower the court of county commissioners of Limestone county to levy and collect a special tax for the purpose of improving the public roads of said county approved Feb. 18, 1897, and that an act entitled an act to better provide for the establishment and working of the public roads in Limestone county, Alabama, approved Feb. 3, 1899, be, and the same are hereby repealed.

Sec. 22. It shall be the duty of the circuit judge to give this act in charge to the grand jury each term of the circuit court.

The State of Alabama, }
Limestone County. }

Personally appeared before me, J. G. Rankin, a notary public, in and for said county and State, R. H. Walker, who being by me first duly sworn, deposes and says that he is the editor and publisher of the Limestone Democrat, a newspaper of general circulation, published weekly in Limestone county, Alabama; that the notice attached hereto as "Exhibit A" was published in said Limestone Democrat, without cost to the State, once a week for four consecutive weeks prior to February 6, 1911; said paper being published on Thursday of each week and said notice appeared in the issue of

the following dates: Dec. 22, 1910, Dec. 29, 1910, Jan. 5, 1911, Jan. 12, 1911. Said paper being published in said county of Limestone, Alabama, in which county is situated the matter or thing to be affected.

R. H. Walker,
Editor and Publisher of the Limestone Democrat.

Sworn to and subscribed before me this the 6th day
of January, 1911.

J. G. Rankin,
Notary Public, Limestone County, Alabama.

H. 48. To authorize the holding of an election by the legally qualified voters of the cities of Decatur and New Decatur in Morgan county, Alabama, to determine whether said cities shall be consolidated and merged into one city under the name of Decatur, Alabama; provide for the holding of said election; and in the event a majority vote be cast for consolidation, to provide for the consolidating and merging of said cities in all things necessary and incident thereto.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Below is printed a substantial copy of a bill to be introduced for passage at the first meeting of the General Assembly of Alabama in January 1911, A Bill to be entitled "An Act" to authorize the holding of an election by the legally qualified voters of the cities of Decatur and New Decatur in Morgan county, Alabama, to determine whether said cities shall be consolidated and merged into one city under the name of "Decatur, Alabama," to provide for the holding of said election; and in event a majority vote be cast for consolidation, to provide for the consolidating and merging of said cities in all things necessary and incident thereto.

Section 1. *Be it enacted by the Legislature of Alabama,* That not earlier than 30 days after the passage and approval of this act, the citizens of Decatur and

New Decatur in Morgan county, Alabama may file with the probate judge of Morgan county, Alabama, petitions in writing, signed by at least 25 qualified voters of each of said cities requesting an election to determine whether said cities shall be consolidated and merged into one city under the name of Decatur, Ala.

Sec. 2. That upon the filing of said petitions with the probate judge of Morgan county, Alabama, as herein above provided, it shall be the duty of said probate judge, and he is hereby directed and required to order an election held by the qualified voters of the cities of Decatur and New Decatur, Alabama, simultaneously at the usual polling places in said cities on a day named by him in his said order, which shall be not more than 20 days after the making of said order, to determine whether said cities shall be consolidated, and merged into one city under the name of "Decatur, Alabama." At such election the legal and qualified voters of said cities may vote upon whether said cities shall be consolidated as aforesaid.

Said probate judge shall have prepared and furnish ballots for said elections containing the words "For Consolidation" and "Against Consolidation" printed thereon in separate lines, and the voters shall indicate their sentiment by placing a cross mark in front of the line of their choice.

Sec. 3. Said elections shall be conducted and held under and in conformity with the general election law of Alabama, and the inspectors, clerks and returning officers shall be appointed as in state and county elections. The returns of said election shall be delivered to the sheriff of Morgan county, Alabama, by the returning officers, and shall be canvassed by the probate judge circuit clerk and sheriff not later than 3 days after said election, and the result declared and published by them immediately upon its ascertainment, in the manner provided by law for the declaration and publication of the result of elections for State and county officers under the general election law; and also certified by them in writing to the mayor and council of each of said cities.

Sec. 4. If it be ascertained that a majority of all the votes cast in said election have been cast "for consolidation" then the said cities of Decatur and New Decatur shall upon the ascertainment, declaration and publication of said results, be and become one city or municipality under the name of "Decatur, Alabama" and the mayor and council of each of said cities holding office at the time of such declaration, publication and certification are hereby directed and required to perfect and complete the consolidation and merger of said cities, and provide for the organization and government of the city of Decatur, Alabama in the mode and manner prescribed in the general law of Alabama as embraced in article 5, section 1,129 of the code of Alabama, 1907. And said city of Decatur, Alabama, shall be invested with all the rights, powers and privileges, and be subject to the same limitations and liabilities as if such consolidation and merger had been had and effected as provided in the general law embraced in said article 5, sections 1126 and 1128 of code of Alabama, 1907.

Sec. 5. The cost of the said election shall be paid by the cities of Decatur and New Decatur, each city paying the cost of the election held therein.

PROOF OF PUBLICATION.

State of Alabama, }
Morgan County. }

Before me, F. A. Bloodworth, a notary public, in and for said State and county personally appeared H. D. Harkreader, who being duly sworn deposes and says, on oath, that he is the editor of the Twin City Telegram, a newspaper published in New Decatur, in said county; and further, that the annexed advertisement of a bill to consolidate Decatur and New Decatur was given publication in said newspaper for the period of four consecutive weeks, beginning Dec. 10, 1910, last insertion Jan. 7, 1911.

H. D. Harkreader.

Sworn and subscribed before me, this 7th day of January, 1911.

F. A. Bloodworth,
Notary Public.

H. 305. To provide for the transfer of all the business of the circuit court of Cullman county, and all pending causes in said circuit court to the Cullman county law and equity court.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given as required by section 106 of the constitution of 1901, of the intention of the Under-signed to apply to the next session of the Legislature of Alabama, for the enactment of a law the substance of which is as follows:

A bill to be entitled an act to provide for the transfer of all business of the circuit court of Cullman county and all pending causes in said court to the Cullman county law and equity court.

1. *Be it enacted by the Legislature of Alabama*, That all causes, both civil and criminal now pending in the circuit court of Cullman county, Alabama, be and the same are transferred to the Cullman county law and equity court, and said Cullman county law and equity court shall have and exercise over said causes, and all judgments of said circuit court the same powers, authority and jurisdiction that is now conferred upon said circuit court by law, with respect thereto.

2. Be it further enacted, That all the records and files of said circuit court of Cullman county be and the same are adopted as the records and files of the law and equity court of said county. That all causes pending in the supreme court of Alabama on appeal from the circuit court of Cullman county, if they are reversed and remanded shall be remanded to the Cullman county law and equity court, and said law and equity court shall have and exercise over such cases all the jurisdiction and power to try and dispose of the same as if said cause had been originally filed in said law and equity court.

3. That all laws in conflict herewith, be and the same are hereby repealed.

A. A. Griffith,
Representative of Cullman County.

The State of Alabama, } Office of Cullman Democrat.
 Cullman County. }

Personally appeared before the undersigned, John J. Buchman, a notary public, in and for said county and State, J. R. Rosson, who being by me duly sworn deposes and says that he is the editor and publisher of the ~~Cullman Democrat, a newspaper of general circulation~~ published in Cullman county, Alabama; that the notice attached hereto as Exhibit "A" was published in said Cullman Democrat, without cost to the State, once a week for four consecutive weeks prior to January 14th, 1911; said paper being published on Thursday of each and every week and said notice appeared in the issue of the following dates: December 22nd, December 29th, 1910; January 5th, and January 12th, 1911.

J. R. Rosson.

Sworn to and subscribed before me this the 16th day of January, 1911.

John J. Buchman.
 Notary Public.

(Seal)

H. 306. To detach Cullman county from the eighth judicial circuit.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given as required by section 106 of the constitution of 1901, of the intention of the undersigned to apply to the next session of the Legislature of Alabama, for the enactment of a law, the substance of which is as follows:

A bill to be entitled an act to detach Cullman county from the eighth judicial circuit and to repeal conflicting laws.

1. *Be it enacted by the Legislature of Alabama, That Cullman county be and hereby is detached from the eighth judicial circuit of Alabama.*

2. Be it further enacted, That all laws in conflict herewith, be and the same are hereby repealed.

A. A. Griffith.

Representative of Cullman County.

The State of Alabama, } Office of Cullman Democrat.
Cullman County. }

Personally appeared before the undersigned, John J. Buchman, a notary public, in and for said county and State, J. R. Rosson, who being by me first duly sworn deposes and says that he is the editor and publisher of the Cullman Democrat a newspaper, of general circulation published weekly in Cullman county, Alabama; that the notice attached hereto as Exhibit "A" was published in said Cullman Democrat, without cost to the State, once a week for four consecutive weeks prior to January 14th, 1911; said paper being published on Thursday of each and every week and said notice appeared in the issue of the following dates: December 22nd, December 29th, 1910; January 5th, and January 12th, 1911.

J. R. Rosson.

Sworn to and subscribed before me this the 16th day of January, 1911.

John J. Buchman,
Notary Public.

H. 142. To amend section 3 of an act entitled an act "To create and establish the Marengo Law and Equity Court for Marengo County," approved August 26, 1909.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of intention to apply to the next regular session of the Legislature of Alabama, being the 1911 session of same, for the passage of a bill and enactment of a law to amend section 3 of an act entitled an act to create and establish the Marengo Law and Equity Court for Marengo county, approved August

26th, 1909; said proposed amendment to said act being to increase the salary of the judge of the Marengo Law and Equity Court.

Edw. J. Gilder.

The State of Alabama, }
Marengo County. }

~~Before me, Isidore Bley, a notary public in and for~~
said county and State, personally appeared C. A. Ver-
Beck, who, being duly and legally sworn, deposes and
says that he is editor of the Demopolis Times, a news-
paper published in Marengo county, Alabama, and which
is a weekly newspaper; that the notice, a copy of which
is hereto attached, was inserted in said Demopolis
Times, and has been published and has appeared regu-
larly and consecutively in four weekly issues of said
Demopolis times; that said notice was published in the
December 22, 1910, December 29, 1910 January 5th,
1911 and January 12, 1911, issues of said Demopolis
Times.

C. A. VerBeck.

Sworn to and subscribed before me this the 16th day
of January, 1911.

Isadore Bley,
Notary Public, Marengo County, Ala.

H. 347. To provide for judicial sales, tax sales and mortgage sales of real and personal property which concern real or personal property located wholly in the Southern Judicial Division of St. Clair County, as now, or hereafter constituted; and to provide for the advertisement of such sales.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE OF LOCAL ACT.

To whom it may concern:

Take notice that a local bill affecting St. Clair county will be introduced into the Legislature which convenes in January, 1911, which will provide in substance as follows:

1. That all judicial or tax sales or foreclosures of mortgages by power conferred in the instrument which concern real or personal property located solely in the southern judicial division of St. Clair county, shall be sold before the court house door of such division at Pell City.

2. That all the said sales shall be advertised as now provided by law in a newspaper published in the said southern division if any such newspaper is published therein.

The State of Alabama, }
St. Clair County. }

Before me, Chas. P. Pratt, a notary public, in and for said State and county, personally appeared Bays D. Cather, who being first duly sworn, on oath deposes and says that he is the publisher of the Pell City Progress, a newspaper, published weekly at Pell City in said State and county, and that affiant has knowledge of the facts herein deposed to; that the notice hereto attached was published in said Pell City Progress once a week for four consecutive weeks before the making of this affidavit, beginning with the issue of December 22nd, 1910, to and including the issue of January 19th, 1911, without cost to the State.

Bays D. Cather
Publisher.

Sworn to and subscribed before me this the 28th day of January, 1911.

Chas. P. Pratt,
Notary Public.

H. 298. To detach the county of Baldwin from the 13th judicial circuit of Alabama, and attach it to the 2nd judicial circuit of Alabama, and to fix the times of holding courts therein.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama and to fix the times of holding court therein.

The State of Alabama, }
Baldwin County. }

W. G. Hall being duly sworn, deposes and says that he is the publisher of The Baldwin Times, a weekly newspaper published at Bay Minette, Baldwin county, Alabama, that the notice of bill to be introduced in Legislature regarding Baldwin county, a copy of which is hereto attached, was printed in said paper for four consecutive weeks, beginning with the issue dated 29, day of December, 1910.

W. G. Hall.

Subscribed and sworn to before me, this 20th day of January, 1911.

J. H. H. Smith,
Probate Judge.
By J. L. Kissler, Clerk.

The State of Alabama, }
Butler County. }

Before me, Thomas W. Peagler, a notary public in and for said county and State, personally came Abe Lehman, who is known to me and who being by me first duly sworn, doth depose and on oath say that the notice, a copy of which is hereinafter set forth, was published for four (4) consecutive weeks, to wit: Dec. 30th, 1910, Jan. 6th, Jan. 13th, and Jan. 20th, 1911, in The Living Truth, which is a weekly newspaper published at Greenville, Butler county, Alabama; that he is the editor and publisher of said Living Truth; and that a copy of said notice is as follows, viz:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama and to fix the times of holding court therein.

Abe Lehman.

Subscribed and sworn to before me on this Jan. 30th, 1911.

Thos. W. Peagler.
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama and to fix the times of holding court therein.

The State of Alabama, }
Conecuh County. }

I, George W. Salter, Jr., publisher of the Evergreen Courant, a newspaper published at Evergreen, in said county and State, do hereby certify that the notice of intention to introduce a bill in the Legislature of Alabama to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit, copy of which notice is hereto attached, was published in said newspaper for four consecutive weeks, beginning on January 4th and ending on January 25th, 1911.

Geo. W. Salter, Jr.,
Publisher.

Sworn to and subscribed before me this the 28th day of January, 1911.

W. D. Atkinson,
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the ~~2nd judicial circuit of Alabama~~ and to fix the times of holding court therein.

State of Alabama, }
Escambia County. }

Before me, C. R. Rankin, a notary public, in and for said county and State, personally appeared H. C. Rankin, who being duly sworn, deposes and says on oath that he is the publisher of the Brewton Standard, a weekly newspaper published at Brewton, in Escambia county, Alabama, and that a certain notice of a proposed bill to be introduced in the Legislature of Alabama, providing for the transfer of Baldwin county from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama, and to fix the times of holding court therein, a copy of which notice is hereto attached and made a part of this affidavit, was published in the said newspaper, The Brewton Standard, for five consecutive weeks, commencing December 29th, 1910, and ending January 26th, 1911.

H. C. Rankin,
Publisher of The Brewton Standard.

Sworn to and subscribed before me this the 30th day of January, 1911.

C. R. Rankin,
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama and to fix the times of holding court therein.

State of Alabama }
Crenshaw County. }

Personally appeared before me, J. C. McLendon, publisher of the Luverne Journal, who being duly sworn, deposes and says that the above notice appeared in the Luverne Journal, a paper published in Crenshaw county for four consecutive issues.

J. C. McLendon.

Sworn to and subscribed before me this the 27th day of January, 1911.

J. T. Quey,
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama and to fix the times of holding court therein.

The State of Alabama, }
Lowndes County. }

Personally appeared before me, J. C. Wood, judge of probate, in and for said county and State, Mrs. Estelle Garrett, who being by me first duly sworn deposes and says that she is the owner and publisher of the Citizen-Examiner, a newspaper published at Hayneville, Lowndes county, Alabama, and that the notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, the said publication commencing on the 5th day of January 1911, and being completed on the 26th day of January, 1911.

Mrs. Estelle Garrett.

Sworn to and subscribed before me this the 28th day of January, 1911.

J. C. Wood,
Judge of Probate.

EXHIBIT "A."

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama and to fix the times of holding court therein.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a notary public, in and for said county and State, this day personally appeared R. G. Rapier, who being known by me and being by me first duly sworn on his oath deposes and says that he is bookkeeper for The Mobile Register Inc., of Mobile county, Alabama, and that the legal notice attached hereto and marked Exhibit A" was duly published in the said Mobile Register, Inc., on Dec. 28th, 1910, Jan. 4th, 11th, and 18th, 1911.

R. G. Rapier.

Subscribed and sworn to before me this 28th day of January, 1911.

Nettie Chandler,
Notary public, Mobile County, Ala.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, which convenes on January 10th, 1911, to transfer the county of Baldwin from the 13th judicial circuit of Alabama to the 2nd judicial circuit of Alabama and to fix the times of holding court therein.

The State of Alabama, }
Washington County. }

Wallace P. Pruitt, being duly sworn deposes and says that he is the publisher of the Washington county

News, a weekly newspaper published at Chatom, Washington county, Alabama, that the notice of bill to be introduced in the Legislature regarding Baldwin county a copy of which is hereto attached, was printed in said paper for four consecutive weeks, beginning with the issue dated 29th day of December, 1910, and ending with the issue dated 19th day of January, 1911.

Wallace P. Pruitt.

Subscribed and sworn to before me this the 26th day of January, 1911.

D. J. Long,
Judge of Probate, Washington county, Ala.

H. 319. To abolish the county court of Montgomery county.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama, which convenes in January, 1911, to repeal article three (3) of chapter 198 of the criminal code of Alabama, relating to county courts and proceedings therein, in so far as the same applies to Montgomery county, and to abolish the county court of Montgomery.

State of Alabama, }
Montgomery County. }

Before me, Frank Stollenwerck, Jr., a notary public, in and for said State and county personally appeared Ben deLemos, who being duly sworn deposes and says, that he is editor of the Alabama Outlook, a weekly newspaper published in said county, and that the publication of a certain notice, of which the foregoing is a true copy, has been made in said paper for four consecutive weeks to-wit: On the 7th day of January, 1911, on the 14th day of January, 1911, on the 21st day of January, 1911, and on the 28th day of January, 1911.

Ben deLemos.

Sworn to and subscribed before me on this the 31st day of January, 1911.

Frank Stollenwerck. Jr.,
Notary Public.
W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

- H. 389, 399, 142, 298, 319, To Judiciary.
- H. 205, To Public Health.
- H. 100, 305, 306, To Revision of Laws.
- H. 425, To Public Roads and Highways.
- H. 48, To Privileges and Elections.
- H. 347, To Local Legislation.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Allen:

S. 287. In relation to pandering, to define and prohibit the white slave traffic, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

Judiciary.

By Mr. Kilby:

S. 288. To amend section 1233 of the code of Alabama of 1907.

Judiciary.

By Mr. Morrow:

S. 289. To prohibit any election being held to determine whether the manufacture or sale of spirituous, vinous or malt liquors shall be allowed by a dispensary or by private dealers in any county in the State of Alabama in which the manufacture or sale of spirituous, vinous or malt liquors was prohibited throughout such

county by any local law in effect January 1st, 1907, or in any county in the State in which the manufacture or sale of spirituous, vinous or malt liquors may hereafter be prohibited throughout said county by any local law.

Temperance.

By Mr. Morrow:

S. 290. To amend subdivision 6 (six) of section 3793 of the code of Alabama.

Judiciary.

By Mr. Morrow:

S. 291. To authorize and empower courts of county commissioners or boards of revenue of the counties in this State to borrow money for certain purposes.

County and County Boundaries.

By Mr. Morrow:

S. 292. To authorize and empower courts of county commissioners or boards of revenue in the several counties in this State to pay out of the general fund of their respective counties, court costs and expenses of litigation, including reasonable attorney's fees, incurred by the members thereof in matters arising out of their official acts or refusal to act, and to reimburse themselves or other public officers for like costs or expenses.

County and County Boundaries.

By Mr. Curry:

S. 293. To establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof.

Revision of Laws.

With notice and proof, as follows:

NOTICE.

Notice is hereby given of the intention to apply to the present session (1911) of the Legislature of Alabama for the passage of an act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners, thereof, substantially as follows:

A BILL

To be entitled an act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof.

Be it enacted by the Legislature of Alabama:

~~That there is hereby created and established~~ "the board of revenue of Shelby county" to be composed of four members and a president, who shall be qualified citizens of said county.

2. The president and members of this board of revenue shall be appointed by the governor, for the terms hereinafter provided and in case of a vacancy in the office of a member of the board, it shall be filled by appointment by the governor, for the unexpired term.

3. Within fifteen days after the approval of this act the president and two members of the board shall be appointed for a term of four years from the date of their appointment and till their successors are appointed and qualified, and in like manner their successors shall be appointed every four years thereafter for a term of four years, and two members of the board shall be appointed for a term of two years from the date of their appointment and till their successors are appointed and qualified, and in like manner their successors shall be appointed every four years thereafter for a term of four years.

4. The board of revenue shall have the power and authority to direct and control the property of Shelby county as it may deem expedient; according to law, to levy a tax for general purposes and special tax for particular county purposes, according to the provisions of the code of Alabama; to examine, settle and allow accounts and claims chargeable against the county; to audit and settle the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county, or appropriated to its use and benefit; to have the exclusive control of the convict labor of the county and the disbursement of the proceeds of the same; and the sole right and authority to bind the county in any contract for the payment of

money and the sole right and authority to pay any debt due by the county on any existing lawful contract.

5. The board of revenue shall have all jurisdiction and powers which are now, or may hereafter be by law invested in the courts of county commissioners of this State, and the several members thereof shall perform all the duties and services and exercise all the powers, which are, or may be required by law, of the several members of courts of county commissioners.

6. That all general laws hereafter enacted in relation to the jurisdiction. powers, authority or duties of county commissioners in this State, shall apply to and govern "the board of revenue of Shelby county."

7. The president of the board of revenue shall be its presiding officer, shall sign the minute of the proceedings of the board and shall have the same power and authority as other members in passing upon all questions and shall sign all warrants drawn on the county treasury and all orders for the payment or disbursement of money, or funds of the county and sign all contracts entered into by "The board of revenue" of Shelby county.

It shall be his duty to prepare business and obtain information for the sessions of the board of revenue, to see that all orders thereof are properly executed. He shall exercise all its powers and perform all the duties required of the probate judge as to matters coming before the courts of county commissioners.

8. The board of revenue may whenever they deem it necessary employ a clerk for such time, or times, as his services may be necessary and pay him out of the county treasury.

9. The board of revenue shall hold four sessions annually, viz: on first Mondays in January, April, July and October of every year, and may hold special sessions at any time on the call of the president, or three members, entered in writing on the minutes of the board.

10. "The board of "revenue" shall keep a correct register of all claims presented against the county, showing the name of the claimants, the amount and the

action of the board thereon; and shall keep a full carbon copy of every warrant, or order for the payment of money out of the county treasury, and those records together with the minutes of proceedings and all papers of the board of revenue shall be public records open to the inspection of any person at reasonable hours, when the same are not being used by the board of revenue or under its directions.

11. That it shall be the duty of the clerk of every court in Shelby county and of every register in chancery, to render under oath, to "the board of revenue" within ten days after adjournment of his court, a list, or statement of all fines assessed, and forfeitures made final during the last preceding term of the court, and it shall be the duty of every justice of the peace in Shelby county, to render under oath to "the board of revenue" a statement of all fines assessed and forfeitures made final in his court, within ten days after the rendition thereof.

And any clerk, register in chancery or justice of the peace who fails for ten days, after the time he should have rendered the statement required herein may be proceeded against by the "board of revenue" in any court of the county of competent jurisdiction, and on three days notice of the motion, may recover a summary judgment in double the amount of all fines assessed and forfeitures made final, which the clerk or justice failed to return as required by this act.

12. That as soon after "the board of revenue" shall have met and organized it shall ascertain and register all of the outstanding debt or claims against the county, which may have heretofore been lawfully contracted, and allowed as claims against the county, and a register of all outstanding warrants drawn on the county treasury, and may then fund all such claims which the board find to be legal and just in bonds of the county, to be issued by "the board of revenue," in the name of Shelby county in such denominations, and on such time and terms as "the board of revenue" may deem to be for the best interests of the county, bearing interest at a rate not exceeding six per cent per annum.

That when these bonds are ready for delivery "the board of revenue" shall give notice by advertisement for ten days and may then exchange bonds for legal debts of the county.

The board shall not sell any bond for less than par and accrued interest.

13. "The board of revenue" shall require every county officer to settle with the board at least once in every year, and oftener if they are satisfied that the public good requires it.

14. The president and every member of "the board of revenue" shall receive for their services four dollars per diem when actually engaged in the performance of the duties of their office, and five cents per mile for each mile traveled in going to and from the court house and their places of residence payable out of the county treasury.

15. The court of county commissioners of Shelby county as now constituted is hereby abolished.

The State of Alabama, }
Shelby County. }

Before me, Wm. Lyman, a notary public, in and for said county in said State, personally appeared F. B. Ticknor, editor and publisher of "The Weekly Review," a newspaper, published in the town of Montevallo, county of Shelby, State of Alabama, and known to me to be such editor and publisher, who being by me first duly sworn, deposes and says, that the attached notice and bill entitled "a bill to be entitled an act, to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," was published once a week for four consecutive weeks in said newspaper, in Shelby county, on to-wit: The 27th day of January, 1911, and the 3rd, 10th and 17th days of February, 1911, and before the making of this affidavit.

F. B. Ticknor,

Editor and Publisher of The Weekly Review.

Sworn to and subscribed before me this 17th day of February, 1911.

Wm. Lyman,
Notary Public, Shelby County, Ala.

By Mr. Godbold:

S. 294. To ratify, confirm and legalize all acts and order of the court of county commissioners of Wilcox county, in the payment of road overseers, appointed under the official road law of said county, approved July 25th, 1907; to ratify and legalize the payment of ~~the convict agent appointed by said court; to ratify and~~ legalize the hiring of teams by said overseers appointed under said act; and to legalize the payment of all warrants and orders of said court by the treasurer of said county pertaining to said road law.

Local Legislation.

With notice and proof as follows:

NOTICE.

A bill will be introduced at this (1911) session of the Legislature to provide as follows: To ratify, confirm and legalize all acts and orders of the court of county commissioners in the payment of road overseers, appointed under the official road law for Wilcox county, approved July 25th, 1907; to ratify and legalize the payment of the convict agent appointed by said court; to ratify and legalize the hiring of teams by said overseers appointed under said act; and to legalize the payment of all warrants and orders of said court by the treasurer of said county pertaining to said road law.

State of Alabama, }
Wilcox County. }

Before me, J. P. VanDeVoort, a notary public, in and for said State and county, personally appeared Sol D. Bloch, who is known to me to be the publisher of The Wilcox Progressive Era, a newspaper, published in Wilcox county, Alabama, and who being by me first duly sworn, doth depose and say that the notice hereto attached, relating to local legislation for said county, was published in the said The Wilcox Progressive Era for four consecutive weeks, beginning on 19th day of January, 1911.

S. D. Bloch,
Publisher Wilcox Progressive Era.

Sworn to and subscribed before me this 15th day of February, 1911.

J. P. Van DeVoort,
Notary Public.

By Mr. Godbold:

S. 295. To provide that all claims which are payable out of the fine and forfeiture fund of Wilcox county shall, in future be paid out of the general fund of said county and to fix the amount or percentage, of said claims which will be so paid, and to regulate the payment of same.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced before the Legislature of Alabama of 1911 providing for the payment of State's witnesses out of the general fund of Wilcox county, fixing their pay at fifty cents (\$0.50) per day and two and one-half cents (\$0.2 1-2) per mile and ferriage actually paid; and providing for the payment of the clerk and sheriff of said county out of the general fund of claims which have heretofore been valid claims against the fine and forfeiture fund of said county, and fixing the amount to be so paid each of said officers out of the general fund at 50 per cent of the fees as allowed by law.

State of Alabama,)
Wilcox County.)

Before me, J. P. Van DeVoort, a notary public, in and for said State and county, personally appeared Sol D. Bloch, who is known to me to be the publisher of The Wilcox Progressive Era, a newspaper, published in Wilcox county, Alabama, and who being by me first duly sworn, doth depose and say that the notice hereto attached, relating to local legislation for said county, was published for four consecutive weeks, beginning on

the 12th day of January, 1911, in the said The Wilcox Progressive Era.

S. D. Bloch,
Publisher Wilcox Progressive Era.

Sworn to and subscribed before me this 15th day of
~~February, 1911.~~

J. P. Van DeVoort,
Notary Public.

By Mr. Godbold:

S. 296. To abolish the fine and forfeiture fund of Wilcox county, and to provide for the payment into the general fund of said county of all moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced before the Legislature of Alabama of 1911 to abolish the fine and forfeiture fund of Wilcox county and to cover same into the general fund of said county.

State of Alabama, }
Wilcox County. }

Before me, J. P. Van DeVoort, a notary public, in and for said State and county, personally appeared Sol D. Bloch, who is known to me to be the publisher of The Wilcox Progressive Era, a newspaper, published in Wilcox county, Alabama, and who being by me first duly sworn, doth depose and say that the notice hereto attached, relating to local legislation for said county, was published for four consecutive weeks, beginning on the 12th day of January, 1911, in the said The Wilcox Progressive Era.

S. D. Bloch,
Publisher Wilcox Progressive Era.

Sworn to and subscribed before me this 15th day of February, 1911.

J. P. Van DeVoort,
Notary Public.

By Mr. Fite:

S. 297. To establish an inferior court of record for Franklin county; to prescribe and define the jurisdiction thereof, and to provide for the officers thereof.

Local Legislation.

With notice and proof, as follows:

The State of Alabama, }
Franklin County. }

Before me, B. H. Sargent, notary public, in and for said State and county, came J. C. Norwood, owner and editor of The Franklin Times, a Weekly newspaper, published weekly in Russellville, Franklin county, Alabama, who being duly sworn deposes and says that he is such editor and that a certain advertisement in words and figures as follows, to-wit:

NOTICE.

To whom it may concern: You will take notice that at the next regular session of the Legislature of Alabama a bill will be introduced to create and establish an inferior court of record for Franklin county. Said bill will define its powers and jurisdictions, provide for its officers, their appointment, election, terms of office, salaries and etc. The passage of said bill will be insisted upon. This December 6th, 1910.

Travis Williams,
Wm. L. Chenault.

Was published for four consecutive weeks in said Franklin Times, beginning with the issue of December 8th, 1910, and ending with the issue of January 5th, 1911. He further states that the above printed notice is a clipping of and from the said Franklin Times.

J. C. Norwood,
Editor.

Sworn to and subscribed before me this the 17th day of February, 1911.

B. H. Sargent,
Notary Public.

By Mr. Merrill:

~~S. 298. To regulate the practice in the circuit court of Cleburne county.~~

Local Legislation.

With notice and proof, as follows:

NOTICE.

A bill to be entitled an act to regulate the practice in the circuit court of Cleburne county.

Section 1. *Be it enacted by the Legislature of Alabama,* That in all civil cases in the circuit court of Cleburne county, the defendant shall appear and plead ten days before the beginning of the term of said court at which said cause shall be at issue, provided service shall have been effected not less than thirty days before the beginning of said term, and in all other cases the defendant shall appear and plead within twenty days after the service of summons and the perfection of service; provided that the service is perfected in twenty days before the beginning of the term.

Sec. 2. That all civil cases in said court shall be tried by the court without a jury, unless a jury shall be demanded, in writing, by the plaintiff at the time of filing the complaint, or when said cause is at issue, or by the defendant upon his appearance; provided that all cases brought to said circuit court by appeal or by writ of certiorari shall be tried without a jury unless a jury shall be demanded by the plaintiff or the defendant before the first day of the term at which said cause shall stand for trial.

Sec. 3. That in all cases at issue the pleadings shall be settled at the non-jury term of said court.

Sec. 4. That special terms of said court for the trial of non-jury cases may be called by the court in term-time or by the judge in vacation by an order entered

on the minutes of the court not less than ten days before the first day of said special term, in addition to the regular non-jury terms already provided for in said court.

Sec. 5. That in the trial of any cause at law without a jury in said circuit court, in addition to the questions which may be presented under existing laws to the supreme court for review, either party may, by bill of exceptions, also present for review the conclusions and judgments of the court on the evidence; and the supreme court shall review the same without any presumption in favor of the court below on evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as the supreme court shall deem right.

The State of Alabama, }
 Cleburne County. }

Before me, Joe Groover, clerk of the circuit court, in and for said county, personally appeared O. B. Boone, who being duly and legally sworn, deposes and says that he is editor and publisher of the "Cleburne New Era," a newspaper, published in Heflin, Cleburne county, Alabama, and which is a weekly newspaper; that the notice, a copy of which is hereto attached, was inserted in said "Cleburne New Era," and has been published and has appeared regularly in four consecutive weekly issues of said "Cleburne New Era."

O. B. Boone,
 Editor and Publisher.

Sworn to and subscribed before me this the 20th day of February, 1911.

Joe L. Groover,
 Clerk of the Circuit Court of Cleburne County, Ala.

By Mr. Plowman:

S. 299. To make further provision for paying the per diem and mileage of the members and officers and the expenses of the Legislature.

Fees and Salaries.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were ~~severally read a second time and placed on the calendar, to-wit:~~

By Mr. Stokes:

S. 285. To authorize the introduction in evidence of documents executed prior to February 12, 1879, by the governor in person or in his name by his secretary, purporting to convey any of the State's lands, but ineffective as conveyances, and certified copies of the record of any such documents which have been recorded for as much as twenty years, and to prescribe the probative effect of such documents and copies.

By Mr. Godbold:

S. 284. To amend section 3979 of the code of Alabama.

By Mr. Miller:

S. 261. To amend section 3 of an act entitled an act "to create and establish the Marengo law and equity court for Marengo county," approved August 26th, 1909.

By Mr. Stokes:

S. 269. To protect livery stable keepers.

By Mr. Merrill:

S. 262. To amend section 6169 of the code of Alabama.

By Mr. Beasley:

S. 267. To repeal an act entitled an act to regulate the procedure in the trial of causes wherein lands are sought to be condemned, approved August 26, 1909.

By Mr. Vaiden:

S. 228. To amend section 3234 of the code of 1907 of Alabama.

By Mr. Sloan (by request):

S. 259. To prohibit Federal office holders, from, in any capacity, serving on or acting as a member of any political committee.

By Mr. Fite:

S. 270. To authorize the recording of certified copies of the records of deeds and the admission of such certified copy or certified copies of records thereof in certain instances in evidence.

By Mr. Crumpton:

S. 247. To prohibit officers, aldermen and councilmen of municipalities from accepting employment from those operating public service business and to repeal all existing laws regulating or prohibiting such employment.

By Mr. Fite:

S. 215. To amend section 3241 of the 1907 code of Alabama.

By Mr. Allen:

S. 243. To amend section 3043 of the code of Alabama, 1907, so as to change the time of holding some of the courts in the counties in the northern division of Alabama.

By Mr. Bush:

H. 200. To establish mardi gras day and make the same a legal holiday.

By Mr. Lee:

H. 421. To amend section 3234, of the code of 1907, of Alabama.

Mr. Brown, W. T., chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite:

S. 104. To further define, regulate and determine who are entitled to instruction in the public schools of the State and punish violations thereof.

Mr. Beasley, chairman of the standing committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sloan:

S. 277. To amend an act entitled an act to provide a better system of public roads for Blount county, approved February 27th, 1907.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Beasley:

S. 275. To repeal the act of the Legislature of Alabama 1900-01, page 688, approved December 13, 1900, providing for the trial of misdemeanors in the County Court of Fayette County, Alabama, and to provide for the transfer of all cases which have been transferred from the Circuit Court of said court to said county court, together with all papers, records and everything pertaining to said cases, by the clerk of said county court back to the circuit court of said county for trial in said circuit court.

By Mr. Barnard:

H. 253. To amend section 11 of an act entitled "an act to establish a board of revenue of Jefferson county, and for the abolishment of the court of county commissioners for the said county" and to increase the salary of said board.

Mr. Stokes, chairman of the standing committee on Public Printing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lovelace:

S. 283. To authorize the introduction in evidence of certified copies of any portions of the tract books kept in the office of the Secretary of State purporting to

show the disposition made by the State of any of its lands, and to prescribe the probative effect thereof.

Mr. Frazer, chairman of the standing committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kilby (with amendment):

S. 154. To fix the maximum amount of license and **privilege taxes and other charges for the privilege of doing business to be imposed, levied or collected by municipal corporations on or from domestic fire insurance companies doing business in such municipal corporations.**

Mr. Merrill, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kilby:

S. 131. To provide regulations for the transportation of explosives by common carriers between points within the State of Alabama, and to provide penalties for the violation thereof.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 66. To provide for the election of four county commissioners in Fayette county, Alabama, and to prescribe the manner of electing same.

S. 40. To fix the salary of the judge of the city court of Talladega, for Talladega county, Alabama, and to provide for the manner of the payment of the same.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bills:

S. 38. An act to authorize the State to purchase the sixth volume of Mayfield's Digest of Alabama Reports.

S. 40. An act to fix the salary of the judge of the city court of Talladega, for Talladega county, Alabama, and to provide for the manner of the payment of the same.

S. 66. An act to provide for the election of four county commissioners in Fayette county, Alabama, and to prescribe the manner of electing same.

S. 87. An act to enforce better sanitary conditions in inns, hotels and restaurants and establishments providing like accommodations for the traveling public with respect to cooking and eating utensils, linens, beds, closets, toilet rooms, and the screening of kitchens, and serving or dining rooms; to define offenses for violations of this act, and to fix fines and punishment therefor.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing Report from committee on Enrolled bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

RESOLUTIONS.

Mr. Stevens offered the following Senate joint resolution:

S. J. R. 52. Whereas, this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisiane, in 1711; and,

Whereas, the city of Mobile and her people are making preparation for celebrating the event; Therefore,

Be it resolved by the Senate of Alabama, the House of Representatives concurring, That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

Which, under a suspension of the rules, was adopted.

Mr. C. W. Brown offered the following resolution:

S. J. R. 53. Resolved by the Senate of Alabama, the House concurring:

1. That we deprecate, condemn and resent the indignities offered American citizens by the Russian Empire.

2. That such treatment is a gross violation of the Treaty of 1832.

3. That a copy of these resolutions be forwarded His Excellency, the President of the United States.

Which was read and referred to the committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 39. To declare the effect of the plea of the general issue in detinue suits, "and to further regulate the practice in such suits."

H. 132. To authorize and empower the court of county commissioners of the county of Morgan, to make appropriations to the Salvation army to be used exclusively for charitable purposes in said county.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 52. Whereas, this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisane, in 1711; and,

Whereas, the city of Mobile and her people are making preparation for celebrating the event; Therefore,

Be it resolved by the Senate of Alabama, the House of Representatives concurring, That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House joint resolution:

H. J. R. 58. Resolved by the House, the Senate concurring, that the Speaker of the House and the President of the Senate are hereby requested to erase their

signatures from the following House bills, they having been recalled from the governor, under House joint resolution heretofore adopted.

H. 71. To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama.

H. 183. To repeal an act entitled an act to establish the County Court of Coffee County for Coffee County, with criminal jurisdiction in misdemeanor cases approved February 8th, 1901, local acts of Alabama, page 861, and all subsequent and amendatory acts relating to said court, to-wit: The act approved the 29th day of September, A. D. 1903, and all other acts relating to said Court investing said Court with civil as well as criminal jurisdiction, and to transfer all the civil and criminal proceedings therein pending and undisposed of together with all dockets, papers and books relating to said cases in said County Court of Coffee County to the Circuit Court of said County, wherein said Circuit Court now have or may have, jurisdiction of said cases and to transfer all the papers and documents pending and undisposed of in said County Court to the Justices of the Peace of the different precincts of said County who now have or may have jurisdiction to try and dispose of said cases; and to transfer all criminal cases now pending and undisposed of in said County Court, begun by affidavit and warrant of arrest charging the commission of misdemeanors in said County, with the papers and documents relating to said alleged misdemeanors to the grand juries of said County for investigation and action.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate concurred in and adopted House joint resolution 58, set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

In accordance with the House joint resolution heretofore adopted, the Speaker of the House has erased his signature from the bills H. 71 and H. 183 and you are requested to erase your signature therefrom said bills.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the President of the Senate in the presence of the Senate erased his signature from House bills 71 and 183, in pursuance of H. J. R. 58, heretofore adopted and the foregoing request from the House.

PERSONAL PRIVILEGES.

Mr. Frazer arose to a point of personal privilege and presented the following document, which was read in open Senate and ordered spread upon the Journal.

Mr. President:

My attention has been called to the fact that the record by which House bill 376, known as the Parks Bill, shows that I voted "no," when it certainly was my intention to vote "I." I ask to have the record corrected, and if this cannot be done I ask to have these remarks spread upon the Journal of the Senate.

T. Sydney Frazer.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment to:

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair County. A Board of Road Commissioners provided for. Their appointment, how made. Vacancies, how filled. Organization of such

board. Duties of the Chairman. Duties of the Secretary and Treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the Board, how done. Authority, duties and powers of the Board of Road Commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the Board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the Board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the Board. Penalty for same. Court of County Commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in County Treasury may be transferred to the Board. Disposition of funds in hands of Treasurer of Board. Proceeds arising from bond issue, to be handled by such Board. Condemnation proceedings provided. All rights, powers, duties, etc. On Commissioners' Court with reference to public roads, etc. Now conferred by general law of State available and applicable to such Board of Road Commissioners. Repeal clause.

And requests committee of conference.

Committee on part of the House, Messrs. Robinson, Sullivan, and Smith.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate acceded to the request of the House for a committee of Conference on the disagreement of the two Houses, on the Senate amendments to House bill 169. The title of which is set out in the foregoing message from the House.

And the President pro tem of the Senate appointed as committee on part of the Senate: Messrs. W. T. Brown and Fite.

BILLS ON THIRD READING.

The bill:

S. 33. To prohibit the manufacture for sale, the sale, lending, giving, bartering, exchanging, delivering, or otherwise disposing of spirituous, vinous, malt or other intoxicating liquor or beverages in Pickens county, Alabama.

Was taken up.

Mr. Sprótt offered the following amendment to said bill:

Amend title and section 1 on the fourth line after the word "beverage" by inserting the following words: "or other alcoholic liquors or beverages."

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs.:	Fite	Norman
Morrow, Pres. Pro tem	Folmar	Plowman
Allen	Frazer	Rogers
Atkins	Godbold	Screws
Beasley	Kilby	Sloan
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Moody	Stokes
Curry	Moulthrop	Vaiden
Espy	Nance	

—28

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Folmar	Moulthrop
Morrow Pres.Pro tem	Frazer	Norman
Allen	Godbold	Plowman
Beasley	Kilby	Rogers
Brown, W. T.	Lovell	Sprott
Crumpton	Merrill	Stevens
Curry.	Miller	Stokes
Espy	Moody	Vaiden
Fite		

—25

Nays, 0.

The Bill:

S. 162. To prohibit the selling or exhibiting for sale of any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another for the purpose of selling or exhibiting for sale any goods, wares or merchandise, without the written consent of the owner of such private roads or lands, in counties in Alabama having a population of less than forty thousand inhabitants according to the last federal census.

Was taken up.

Mr. Atkins offered the following amendment to said bill:

Amend by striking out forty thousand wherever the same occur in the caption and body of the bill and inserting therefor sixty thousand, and by adding the words "or any succeeding Federal census" both in the caption of the act and in section 1 thereof immediately after the words "Federal census" where said words appear together in said caption and in said section one.

Which was adopted.

Yeas, 18; nays, 2.

Yeas:

Messrs.:	Fite	Moody
Morrow, Pres.Pro tem	Frazer	Moulthrop
Allen	Godbold	Norman
Atkins	Kilby	Sprott
Beasley	Lovell	Stevens
Crumpton	Miller	Tunstall
Espy		

—18

Nays: Messrs. Curry and Stokes.—2.

And said bill as thus amended was read a third time at length and passed.

Yeas, 20; nays, 5.

Yeas:

Messrs.:	Fite	Moody
Morrow, Pres. Pro tem	Folmar	Norman
Allen	Frazer	Sprott
Atkins	Godbold	Stevens
Beasley	Kilby	Stokes
Brown, C. W.	Lovlace	Tunstall
Brown, W. T.	Miller	Vaiden

—20

Nays: Messrs. Crumpton, Curry, Justice, Nance, Sloan.—5.

The bill:

S. 35. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, or proprietary medicines, or alcoholic drinks in Sumter County, Alabama; provided, this act shall not prevent its use for religious or sacramental purposes; and to prohibit the bringing into said county by any person for the use of any person other than himself any such spirituous, vinous or malt liquors, intoxicating bitters, intoxicating beverages, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving orders for spirituous, vinous, or malt liquors, intoxicating beverages, bitters, cordials, or alcoholic drinks or intoxicating proprietary medicines in said county over any telegraph or telephone line and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, proprietary medicines, or alcoholic drinks to any point within this State, and to prohibit any person, firm or corporation in the State of Alabama from shipping into Sumter county from

any point in said State, spirituous, vinous or malt liquors, intoxicating bitters, beverages, cordials, proprietary medicines, or alcoholic drinks and to provide penalties for all such prohibited acts and to repeal all laws in conflict therewith.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Morrow, Pres. Pro tem	Kilby	Rogers
Atkins	Lovelace	Sloan
Beasley	Merrill	Sprott
Brown, C. W.	Miller	Stevens
Brown, W. T.	Moody	Stokes
Curry	Moulthrop	Tunstall
Fite	Nance	Vaiden
Folmar	Norman	

—25

Nays, 0.

The bill:

H. 194. To submit to the qualified voters of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1912, for their consideration, an amendment to the Constitution of the State, so as to authorize and empower the legislature from time to time by general or local laws to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Jefferson county, including the method or basis of their compensation.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Brown, W. T.	Folmar
Morrow, Pres. Pro tem	Crumpton	Justice
Allen	Curry	Kilby
Atkins	Espy	Lovelace
Brown, C. W.	Fite	Merrill

Miller
Moody
Nance
Norman

Rogers
Sloan
Sprott

Stevens
Stokes
Vaiden

—24

Nays, 0.

The same being three-fifths of all the members elected to the Senate of Alabama.

The bill:

S. 196. To ratify and confirm conveyances by John Swann and John A. Billups, trustees, and by their successors, under and by virtue of an act of the General Assembly of Alabama, approved February 23, 1876, and known as the "Debt Settlement Act" (Acts 1875-6, p. 130) and to declare the trust created by that act fully executed, and confirming conveyances to the beneficiary under said trust—The Alabama State Land Company—and declaring the act public and providing its recitals shall be evidence of the facts stated, in all courts of this State.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Morrow, Pres. Pro tem

Allen

Atkins

Beasley

Brown, W. T.

Crumpton

Espy

Fite

Folmar

Godbold

Justice

Kilby

Lovell

Merrill

Miller

Moody

Nance

Norman

Plowman

Rogers

Sprott

Stevens

Tunstall

—23

Nays, 0.

The bill:

S. 174. To amend section 1258 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Folmar	Norman
Allen	Frazer	Plowman
Atkins	Godbold	Rogers
Beasley	Kilby	Sloan
Brown, W. T.	Lovelace	Sprott
Crumpton	Merrill	Stevens
Curry	Moody	Tunstall
Espy	Nance	Vaiden
Fite		

—24

The bill:

S. 219. To provide for the payment to the tax assessor of Montgomery county, the sum of seven hundred dollars for the year 1911, and the sum of seven hundred dollars per annum thereafter, out of the general fund of said county, as ex-officio fees to said assessor.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Morrow Pres.Pro tem	Frazer	Norman
Allen	Godbold	Plowman
Atkins	Kilby	Rogers
Beasley	Merrill	Screws
Brown, W. T.	Miller	Sprott
Espy	Moody	Stevens
Fite	Moulthrop	Stokes

—23

Nays, 0.

SPECIAL ORDER SET.

On motion of Mr. Moody and under a suspension of the rules:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than

two thousand and not more than twenty-five thousand people according to the last federal census, or any federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to ~~punish improper conduct in connection with elections and petitions hereunder~~; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Was made a special continuing order for 12:30 o'clock p. m. tomorrow.

On motion of Mr. Moulthrop and under a suspension of the Rules:

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes; and to prevent the hiring of such convicts to private persons or to corporations; and to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

Was made a special order for tomorrow at 2 o'clock p. m.

On motion of Mr. Stevens and under a suspension of the Rules:

S. 238. To provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said inspector; to fix the compensation of such inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal census, under the supervision of said inspector, and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

Was made a special order for tomorrow at 1 o'clock p. m.

RECESS.

At 1:30 o'clock p. m. on motion of Mr. Sprott, the Senate took a recess until 3 o'clock p. m.

AFTERNOON SESSION.

Tuesday February 21st, 1911.

The Senate reassembled at 3 o'clock p. m.

ROLL CALL.

On a call of the roll a quorum of the Senators answered to their names, being a majority of all the members elected to the Senate.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Fite:

S. 300. To provide for the registration and lien of judgments for the payment of money in the courts of justice of the peace, and notary public with powers of justice of the peace, and providing for the issuing of executions on such registered judgments, in Franklin county, Alabama; and repealing all laws in conflict therewith.

Local Legislation.

With notice and proof, as follows:

NOTICE.

Notice is hereby given that at the 1911 session of the Legislature of Alabama a bill will be introduced to provide for the registration and lien of judgments for the payment of money in the courts of justice of the

peace and notary public with powers of justice of the peace, and providing for the issuing of executions on such registered judgments in Franklin county, Alabama, and repealing all laws in conflict therewith. This January 20, 1911.

The State of Alabama, {
Franklin County. }

Before me, Henry D. Jones, a notary public, in and for said State and county, this day personally appeared John C. Norwood, editor and publisher of The Franklin Times, who being by me first duly sworn, deposes and says that the notice attached hereto was published once a week for four consecutive weeks before the making of this affidavit in The Franklin Times, a newspaper, published in said Franklin county, Alabama, and that said notice was given without cost to the State.

John C. Norwood,

Editor and Publisher of The Franklin Times.

Subscribed and sworn to before me this the 17th day of February, 1911.

Henry D. Jones,
Notary Public.

By Mr. Merrill:

S. 301. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

Public Roads and Highways.

With notice and proof, as follows:

NOTICE IS HEREBY GIVEN.

Of the intention to introduce in and apply to the Legislature of Alabama, which convened on January 10, 1911, and now in session for the passage of a local act for Clay county substantially as follows:

AN ACT

To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That the court of county commissioners of Clay county shall at their first regular meeting after the passage and approval of this act or as soon thereafter as may be necessary elect or appoint a superintendent of public roads of said county who shall hold office for a term of two years and until his successor is elected or appointed by the court of county commissioners unless he shall sooner be removed by said court for drunkenness, neglect of duty or incompetency.

Sec. 2. *Be it further enacted*, That before entering upon the duties of such office, such superintendent shall qualify by taking and filing the statutory oath of office, and giving bond in such sum as may be prescribed by said court, but in no event for less than one thousand dollars, payable to Clay county, with sureties thereon, to be approved by the judge of probate of said county, which oath and bond shall be recorded in the office of the judge of probate.

Sec. 3. *Be it further enacted*, That the superintendent of public roads shall receive a salary for each year's service, to be fixed by the court of county commissioners before he enters upon the duties of such office, such salary to be paid in quarterly installments, at the end of each quarter by a warrant drawn by the judge of probate on the road fund in the county treasury.

Sec. 4. *Be it further enacted*, That subject to the orders and direction of the said commissioner's court, the said superintendent shall have control and supervision of all the public roads of the county, as to the manner of working, repairing and maintaining the same; as to changing the present roads and locating and opening new roads; and of the execution of any contract now or hereafter made by said court for the working and repairing and opening or changing of

roads, or of building or repairing bridges, culverts or causeways.

Sec. 5. Be it further enacted, That immediately after he qualifies said superintendent shall have authority and it shall be his duty to appoint one or more competent resident citizens of said county as enumerators of ~~road hands for said county or for a specified number of~~ precincts thereof, as shall be determined by him, each of whom shall make oath in writing, to be administered by said superintendent, that he will faithfully discharge the duties of such office, and which oath shall be filed in the office of the judge of probate of said county, and there preserved for public examination.

Sec. 6. Be it further enacted, That immediately upon the completion and filing in the office of the judge of probate of said list of road hands, the superintendent shall divide into consecutively numbered sections the public roads in each precinct, and into such lengths as he may determine, and he shall then appoint such number of overseers thereof as may be necessary for a term of one year, and to such overseer shall assign such section or sections as he may deem advisable for the proper working and maintenance of said roads. To each overseer such superintendent shall apportion such road hands for each section as the nature and character and amount of work to be done thereon renders necessary, and shall deliver to such overseer a list of such hands, and keep in his office for ready reference a duplicate thereof.

Sec. 7. Be it further enacted, That each overseer shall take and subscribe in writing before said superintendent an oath that he will faithfully perform the duties of road overseer, which shall be filed in the office of the judge of probate. To each overseer said superintendent shall deliver a commission, setting forth the section or sections over which he has been so appointed as also the grade of the road or roads thereof. Said superintendent may at any time remove an overseer for neglect, failure or refusal to perform his duties, or for drunkenness. Upon a vacancy occurring in the office of overseer from whatever cause, said superintendent

shall fill the same, such appointee holding for the unexpired term of his predecessor.

Sec. 8. Be it further enacted, That at least four times each year said superintendent shall personally inspect all the public roads in each section, and in making such inspection shall, when practicable, be accompanied by the overseer thereof, to whom the superintendent shall make such suggestions, and give such directions as to changing roadbeds, repairing, improving and working the public roads, and building, repairing and maintaining bridges and culverts, as he may deem proper. The superintendent shall make full report in writing of the condition of the public roads and the manner in which any contracts relating thereto have been or are being executed, to the court of county commissioners, at the February, April, August and November terms of said court in each year and such special reports may be required at any time by said court; and he shall also make full report of like character to each regular grand jury impanelled in said county, which last mentioned report shall be submitted within the first two days after the assembling of said grand jury.

Sec. 9. Be it further enacted, That the enumerator or enumerators herein provided for shall, immediately after January first of each year, make a thorough and complete house to house canvass of said county, or of such specified precincts thereof for which he shall have been so appointed enumerator, listing the names and ages of all male residents thereof over 18 and under 45 years of age, entering the same in a book to be kept for that purpose, and opposite each name so enrolled the name or location of the house in or farm on which he resides, and the names of the public road nearest his dwelling place. The names so enrolled in said enrollment book shall be written in a plain, legible hand with ink, and upon completion of such book, it shall be forthwith filed in the office of the judge of probate of said county.

Sec. 10. Be it further enacted, That if any person proposed to be enumerated shall claim to be under 18

or over 45 years of age, said enumerator may take the affidavit of such person, or any other, as to the age of said person, which affidavit or affidavits shall be in writing, subscribed by the affiant, and shall be preserved and filed by the enumerator in the office of the judge of probate, except in such cases where the enumerator has cause to believe that perjury has been committed, and then such affidavit shall be returned to the next grand jury. In enumerating persons for road duty, any person who has lost an arm or a leg, or who shall have a proper certificate of exemption each year from the court of county commissioners shall be exempt from road service.

Sec. 11. Be it further enacted, That the enumerators herein provided for shall receive such compensation as may be fixed by the court of county commissioners, and be paid by warrants of the judge of probate out of the road fund of the county, upon proper vouchers filed with said judge. Provided that any enumerator may be removed by the superintendent at any time for neglect or failure to perform his duties, or for partiality or favoritism shown therein.

Sec. 12. Be it further enacted, That the superintendent may in his discretion appoint as overseer persons who are not liable to road duty. It shall be the duty of each overseer to make quarterly reports to the superintendent of all work done by the hands, and the number of days worked by each hand, the names of all defaulters, and, until such report is made, the overseer shall not be paid his per diem.

Sec. 13. Be it further enacted, That all male inhabitants of Clay county between the ages of 18 and 45 years, and not exempt from road duty under the general laws of the state (except the inhabitants of cities and towns having an acting municipal organization), shall be required to work upon the public roads of said county for 10 days in each calendar year. Provided, that said 10 days of work may be commuted by the payment to the superintendent or to the county treasurer on or before the 15th day in January of each year of the sum of \$6.50, provided, that if at any time any

person so liable to perform road duty is summoned or warned to work the public road, he must then work the number of days for which he is so summoned, unless he then pay to said superintendent or to the county treasurer the sum of \$6.50. Provided, further, that if in response to being warned or summoned therefor, any person so liable to do road duty shall do any number of days' work, such person may thereafter before being warned commute the balance or remaining portion of said ten days' specified less 65 cents per day for work by paying the amount above the time so worked, up to July 1st of any one year, and after said July 1st, no person can commute said work. If the above specified sum is not paid on or before the date hereinbefore fixed, the road hand, either in person, or by an able bodied substitute, shall perform the full 10 days' labor. To the end that the road hands shall have the opportunity to pay such commutation money, it shall be the duty of the superintendent to attend at a designated place in each precinct on a day prior to the 15th day of January in each year, of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct. No overseer shall be authorized at any time to receive commutation money in lieu of road service.

Sec. 14. Be it further enacted, That whenever an overseer shall determine that a public road needs repairing or working, or when the superintendent shall so direct, he shall call out such hands as have been listed to him as he may deem sufficient in number, to work for such length of time as shall be determined by him or directed by said superintendent, and each hand shall furnish and bring with him shovels, picks, mattocks and also such other tools as he may be required by the overseer, and if any hand shall fail or refuse to work, or to furnish an able bodied substitute (unless he has commuted such service as hereinbefore provided) it shall be the duty of the overseer within five days from such warning to return each and every hand so failing or refusing to a justice of the peace in the precinct, or, if there be no justice in the precinct,

then to the nearest justice of the peace in an adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the State. Provided, That overseers, on good excuse made under oath, which may be administered by the overseer, may excuse defaulters within five days after default. Any person making a false oath to so get excused shall be ~~guilty of perjury and punishable therefor as provided by law.~~

Sec. 15. Be it further enacted, That a days' work for road hands, under the provisions of this act, shall be nine hours of actual service. The warning of hands shall be made by the overseer, in person or by substitute, by giving two days' notice to the hands, stating to them on what day and at what point on the road such hands shall report for service, or it may be made by leaving a written notice for the same length of time at the residence of the hand; but no hand shall be required to go more than six miles from his residence in working the public roads.

Sec. 16. Be it further enacted, That when a road hand listed to an overseer has performed part of his road service, and thereafter removes from such precinct, it shall be the duty of such overseer to furnish him, on demand, a written certificate showing the time he has served during the current calendar year, which certificate shall be an exemption to such road hand to the extent of the time worked from road service in any other precinct in the county to which he may remove.

Sec. 17. Be it further enacted, That all fines imposed upon road defaulters shall be paid in lawful money and when collected shall be paid within ten days by the justice to the county treasurer to the credit of the road fund, and shall in no event be retained or otherwise appropriated by such justice.

Sec. 18. Be it further enacted, That the court of county commissioners may, if it so determine, employ the misdemeanants sentenced to hard labor for the county in working the public roads thereof, or may let them to hire to any road contractor in the county, under such rules and regulations as it may adopt, as to

feeding, clothing, housing, medical attention and guarding, but no female convict shall be worked upon the public roads, but may be hired out to contractors for service for cooking, washing, sewing and such like employment in camps, stockades or prisons, or employed for such purpose under the direction of the commissioners' court. But nothing in this act contained shall prevent the commissioners' court from hiring out any and all convicts sentenced to hard labor for the county, as now provided by general law.

Sec. 19. Be it further enacted, That when any person sentenced to hard labor for the county is worked on the public roads of said county, either under the direction and control of the court of county commissioners, or let by it to a contractor for working on the public roads of said county, such convict shall have credit on the sentence imposed for cost, for his labor, not less than 50 cents per day, until such cost is paid or otherwise secured as provided by law, and when convict are so worked under the direction and control of the commissioners' court, or by it let to contractors on the public roads of the county, the time so to be worked out in payment of the cost, at not less than 50 cents per day, shall be paid out of the road fund of the county upon the order of the commissioners' court to the clerk of the court in which such convict is delivered, or at the next term of the commissioners court thereafter, and the clerk must thereupon pay the amount received of the sentence for cost to the persons entitled thereto, as provided by law.

Sec. 20. Be it further enacted, That it shall be the duty of the overseers of roads before commencing to work their roads to ascertain as near as possible what teams for plowing or hauling they will require, and to make requisition on the superintendent therefor, stating in such requisition the hauling or plowing to be done, and it shall thereupon be the duty of the Superintendent to determine to what extent such requisition shall be complied with, and to either hire from private persons or furnish the teams owned by the county to fill the requisition to the extent deemed proper, or to

authorize the overseer to hire such teams from private parties for such time as the superintendent may designate, and all bills for the use or hire of teams must be approved by the superintendent and court of county commissioners before payment, and no overseer shall use his own teams for work or hauling ~~on the public roads, unless authorized in writing so to do by the superintendent.~~ Provided, that in case of a serious casualty to a road, bridge or culvert, the overseer may act at once and hire the necessary teams to repair the same without making requisition; but shall promptly thereafter make full report of his actions to the superintendent.

Sec. 21. Be it further enacted, That the overseers of roads appointed under this act shall be paid such compensation as may be determined by the court of county commissioners, to be paid at the end of each quarter upon the approval of his report and account by the superintendent, out of the road fund, upon the warrant of the judge of probate. Provided, that the overseer shall not be paid a per diem for warning hands, but he may appoint a road hand to do that duty and excuse him from a days' work for each day he shall be engaged in warning hands.

Sec. 22. Be it further enacted, That the superintendent of roads shall be under the control and direction of the court of county commissioners, who shall require him to devote his entire time to the public roads and bridges of the county, and he shall be furnished with all necessary stationery and blanks for the use of his office, to be paid out of the road fund, and such superintendent shall keep such books and accounts, lists of overseers, enumerators and road hands as to show all transactions pertaining to the working, repairing and maintenance of the public roads and bridges, and shall be provided with an office in the court house in which to keep his books and other papers pertaining to his office.

Sec. 23. Be it further enacted, That the court of county commissioners for said county shall have authority to purchase and maintain such teams, implements,

tools, and material as may be deemed necessary and proper for use in working, repairing and maintaining the public roads of said county and shall be authorized to purchase right of way for new roads, or changes in roads, to contract for the grading, filling or macadamizing of any part or parts of any public road, or to employ persons to do such work under such agent as it may appoint, and to pay the same out of the road fund or out of the general fund.

Sec. 24. Be it further enacted, That when it is desired to open a new road or change an old road in said county (except under minor changes otherwise provided for) instead of a jury view, as provided by sections 5773, et seq. of the code of 1907, the court of county commissioners shall appoint a competent civil engineer or the superintendent of roads to survey, to view, to locate and mark out the best route for such proposed new road or changed road, and to assess the value of the land to be taken for such new or changed road, and he must, before entering upon such duty, take and subscribe an oath to view and mark out a road to the greatest advantage to the public, and after surveying and marking out the road, must make report and return the same, with the necessary plat, to the court, together with an assessment of the value of the land of each land owner that will be taken if the road is so opened, or the route so changed. Provided, that where minor changes can be made with the consent of the owner of the land over which such changes shall be located, or when the right of way for a new road can be acquired by donation or purchase from the land owner, then such changes may be made or a new road opened by order of the court of county commissioners entered on the minutes of said court, without proceeding under this and the succeeding sections of this act.

Sec. 25. Be it further enacted, That upon the coming in of the report and the return of the civil engineer or superintendent as provided in section 24 of this act, the commissioners' court must cause notice to be served on the owner or owners of such tract or parcel of land over which the road has been marked, showing the

route marked out, the quantity of land that will be taken from said owner, if the road is opened, and the amount of compensation that the report of the engineer shows should be paid to said owner as to the value of his land so to be taken, and appointing a day on which the court will hear any objections to said report, or to ~~any valuations therein shown~~, for at least ten days before the time set for hearing such report, and any objection thereto. Said notice shall be served by the superintendent by personal service on the owner or owners, or if such owner cannot be found, but has a residence in the county, by leaving a copy of said notice at his residence. Should it be made known to the court by the return of the engineer or superintendent, or from any other source, that the owner or owners of the land, or any part thereof, reside outside of the State, then like notice shall be given such owner or owners by publication for three successive weeks in some newspaper published in the county.

Sec. 26. Be it further enacted, That on the day appointed, as provided by section 25 of this act, the court shall proceed to act on said report of a view and assessment of valuation in all respects as provided in section 5775 of the code of 1907. Provided, that by the direction of the superintendent of roads, minor changes can be made in the old roads with the consent of the owner of the land taken for such change; and, provided further, that the court of county commissioners may contract with land owners for a right of way for changing old roads or opening new roads.

Sec. 27. Be it further enacted, That it shall be the duty of the court of county commissioners of Clay county to make and enter upon the minutes of said court at the July term, 1911, or as soon thereafter as practicable, and at the same term each succeeding year, an order appropriating an amount not less than 10 per cent. of the estimated revenue coming to the county during the succeeding fiscal year, after deducting commissions for assessing and collecting such revenue, and as much more from the general fund of each fiscal year as the said court may see proper, consistent with other

demands on the county treasurer. Upon making such appropriation, the said court shall direct by a proper order and it shall be the duty of the county treasurer to open an account, to be known as the county road fund account, and whenever any money shall be paid to said treasurer for the general fund, he shall enter the proportionate part thereof, as fixed by the order of said court, to the credit of said road fund, and the remainder to the credit of the county general fund. Provided, that said road fund may from time to time be increased by additional appropriations made by said court.

Sec. 28. Be it further enacted, that the "county road fund" provided for by the preceding or any other section of this act, shall be disbursed upon the order of the court of county commissioners, as provided by this act.

Sec. 29. Be it further enacted, That it shall be the duty of the court of county commissioners of Clay county to have this act printed for the use of said court and other courts of said county, and for the officers herein named and persons desiring to submit bids for contracts.

Sec. 30. Be it further enacted, That the court of county commissioners shall have full power and authority to make and establish such rules and regulations, not in conflict with this act, that it may deem necessary for the proper construction, working, repairing and maintaining of the public roads, bridges and culverts of said county, and for requiring of all persons charged with any duty, power or liability under this act, a rigid performance of the accountability therefor, and for this purpose may appoint an auditor to examine into and pass upon all claims presented against the road fund, and to fix the compensation of such auditor and provide for its payment out of the road fund, or the general fund, as may be determined.

Sec. 31. Be it further enacted, That the court of county commissioners of Clay county be and it is hereby empowered to at any time that said court may deem advisable, employ a skilled civil engineer to assume con-

trol and supervision over the public roads of said county, as to the manner of locating and surveying new roads, and as to the manner of working, repairing and maintaining any of the public roads in said county; and to supervise the execution of any contract that may be made on behalf of said county, ~~for the working, repairing, opening or changing of any of the roads or bridges~~ of said county, at such salary and for such length of time as said court of commissioners shall determine. In the event such skilled civil engineer shall be so employed, the term of office of the superintendent hereinbefore provided shall automatically cease and determine, and thereafter said civil engineer shall do and perform, in addition to such other duties as may be prescribed, the duties hereinbefore required of said superintendent. Provided, that the court of county commissioners may retain in the service of the county the said superintendent at such salary and to perform such duties as may be agreed upon.

Sec. 32. Be it further enacted, That this act shall take effect on the 1st day of January, 1912; that when not in conflict with this act, the general road law for this State, as embraced in the code of 1907, shall govern, and that all laws or parts of laws in conflict with this act be, and the same are hereby repealed as to Clay county, Alabama.

The State of Alabama }
Clay County. }

Before me, F. J. Ingram, judge of probate, in and for said county and State, personally appeared B. W. Sims, who being duly sworn, deposes and says, that he is the editor and business manager of The Ashland Progress, a weekly newspaper, published weekly in Ashland, Clay county, Alabama; and he further deposes and says that the accompanying and attached notice was published in said newspaper for four consecutive weeks (issues), to-wit: Jan. 27, 1911, Feb. 3, 1911, Feb. 10, 1911, and Feb. 17, 1911.

This February 20, 1911.

B. W. Sims.

Sworn to and subscribed before me this February 20, 1911.

F. J. Ingram,
Judge of Probate.

By Mr. Plowman:

S. 302. To render valid the official acts of certain notaries public and ex-officio justice of the peace done and performed between the 16th day of January, 1911, and the approval of this act.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Curry, acting chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Spragins:

S. 234. To amend section 6168 of the code of Alabama of 1907.

Also:

By Mr. Curry:

S. 260. To amend section 4495 of the code of Alabama.

Also:

By Mr. Merrill:

S. 271. To amend section 2974 of the code of Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 233. To establish and create the Hale County Law and Equity Court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court and to authorize the Judge

thereof to establish such rules and procedure as may be required for a proper system of practice for said court, and to amend the same.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish Police Commissioners, Aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said Commission form of government.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 112. To Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 71. To provide for the improvement of the public roads and bridges of Tallapoosa county, Alabama.

H. 376. To submit to the qualified electors of each of the counties in this State the question of whether or not the manufacture and sale of spirituous, vinous or malt liquors shall be legalized therein; and whether or not such liquors shall be sold by dispensaries or by private dealers under a license.

H. 183. To repeal an act entitled an act to establish the County Court of Coffee County for Coffee County, with criminal jurisdiction in misdemeanor cases approved February 8th, 1901, local acts of Alabama, page 861, and all subsequent and amendatory acts relating to said court, to-wit: The act approved the 29th day of September, A. D. 1903, and all other acts relating to said Court investing said Court with civil as well as criminal jurisdiction, and to transfer all the civil and criminal proceedings therein pending and undisposed of together with all dockets, papers and books relating to said cases in said County Court of Coffee County to the Circuit Court of said County, wherein said Circuit Court now have or may have, jurisdiction of said cases and to transfer all the papers and documents pending and undisposed of in said County Court to the Justices of the Peace of the different precincts of said County who now have or may have jurisdiction to try and dispose of said cases; and to transfer all criminal cases now pending and undisposed of in said County Court, begun by affidavit and warrant of arrest charging the commission of misdemeanors in said County, with the papers and documents relating to said alleged misdemeanors to the grand juries of said County for investigation and action.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate immediately after their titles had been publicly read at length by the secretary, signed the above House

bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

SPECIAL ORDER SET.

On motion of Mr. Tunstall, and under a suspension of the Rules:

H. 227. To amend section 7325 (5050) (3790) (4360) (4361) (3708) (162) of the code of Alabama of 1907.

Was made a special order for Thursday, February 23rd, 1911, immediately after the reading of the Journal.

INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Folmar:

S. 15. To amend section six thousand nine hundred and sixty-four (6964) of the criminal code of 1907.

Was indefinitely postponed.

BILLS ON THIRD READING.

The bill:

H. 198. To authorize courts of county commissioners or boards of revenue of any county in which the State or federal authorities shall take or have taken up the work of farm demonstration of the organization of farm life clubs, to appropriate funds for aiding such work.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Frazer	Moody
Crumpton	Godbold	Moulthrop
Curry	Justice	Nance
Espy	Kilby	Norman
Folmar	Miller	Plowman

Rogers	Sprott	Tunstall
Screws	Stokes	Vaiden

—20

Nays, 0.

The bill:

S. 137. To amend section 6733 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Brown, C. W.	Justice	Rogers
Crumpton	Kilby	Screws
Curry	Merrill	Sprott
Espy	Miller	Stokes
Fite	Moulthrop	Tunstall
Folmar	Nance	Vaiden
Frazer	Norman	

—22

Nays, 0.

The bill:

H. 91. To amend section 6638 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 20; nays, 1.

Yeas:

Messrs.:	Frazer	Norman
Atkins	Godbold	Rogers
Brown, C. W.	Justice	Screws
Crumpton	Kilby	Sprott
Curry	Merrill	Stokes
Espy	Miller	Tunstall
Folmar	Nance	Vaiden

on

Nay: Mr. Fite.—1.

The bill:

S. 214. To amend section 6112 of the 1907 code of Alabama.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Folmar	Moulthrop
Atkins	Frazer	Nance
Brown, W. T.	Godbold	Norman
Crumpton	Justice	Plowman
Curry	Kilby	Sprott
Espy	Merrill	Stokes
Fite	Miller	Vaiden

—20

Nays, 0.

The bill:

S. 189. To amend section 6211 of the code of 1907.

Was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Fite	Nance
Atkins	Folmar	Norman
Beasley	Frazer	Plowman
Brown, W. T.	Justice	Rogers
Crumpton	Kilby	Sprott
Curry	Merrill	Vaiden
Espy		

—18

Nays, 0.

The bill:

S. 106. To repeal an act "To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk. Approved August 26, 1909, General and Local Acts of the Special Session of 1909, and to provide for the transfer of witness fees paid into the State Treasury as provided by same.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Fite	Rogers
Atkins	Folmar	Screws
Beasley	Godbold	Sprott
Brown, W. T.	Merrill	Stokes
Crumpton	Miller	Tunstall
Curry	Nance	Vaiden
Espy	Norman	

—19

Nays, 0.

The bill:

S. 201. To amend sections 2038 and 2039 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Fite	Moulthrop
Atkins	Folmar	Norman
Beasley	Frazer	Plowman
Brown, C. W.	Godbold	Rogers
Brown, W. T.	Justice	Sloan
Crumpton	Kilby	Sprott
Curry	Merrill	Stokes
Espy	Miller	

—22

Nays, 0.

The bill:

S. 183. To regulate the sale or other disposition of corn, oats, rye, barley, wheat and other grains, and to provide penalties for the violations thereof.

Was recalled from the committee on Agriculture and replaced on the calendar.

Was taken up.

Mr. Justice offered the following amendment to said bill:

Amend section 1 by inserting between the word "grains" and the word "sold" the following words:

"Shipped into this State from any other State or territory for the purpose of being."

Which was adopted.

Yeas, 19; nays, 0.

~~Yeas:~~

Messrs. :	Espy	Norman
Atkins	Fite	Rogers
Beasley	Folmar	Screws
Brown, C. W.	Godbold	Sloan
Brown, W. T.	Justice	Stokes
Crumpton	Kilby	Tunstall
Curry	Merrill	

—19

Nays, 0.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs. :	Fite	Plowman
Atkins	Folmar	Rogers
Beasley	Frazer	Sherrod
Brown, C. W.	Godbold	Sloan
Brown, W. T.	Justice	Stokes
Crumpton	Kilby	Tunstall
Curry	Merrill	Vaiden
Espy	Norman	

—22

Nays, 0.

The bill:

S. 102. To amend section 731 of the code.

Was taken up.

The following amendment offered by the committee:

A bill to be entitled an act to repeal 731 of the code of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 731 of the code of 1907 of Alabama be and the same is hereby repealed.

Was lost for the want of a quorum voting.

Yeas, 17; nays, 0.

Yeas:

Messrs.	Fite	Norman
Atkins	Folmar	Plowman
Brown, W. T.	Frazer	Rogers
Crumpton	Kilby	Sloan
Curry	Miller	Sprott
Espy	Nance	Stokes

—17

Nays, 0.

Pending the further consideration of said bill.

ADJOURNMENT.

At 4:20 o'clock p. m. on motion of Mr. Norman the Senate adjourned until 11 o'clock tomorrow morning.

TWENTY-SEVENTH DAY.

Wednesday, February, 22nd, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Chilton of the city.

ROLL CALL.

Present:

Mr. President and

Messrs.	Atkins	Brown, W. T.
Morrow, Pres. Pro tem	Beasley	Crumpton
Allen	Brown, C. W.	Curry

Espy	Miller	Sherrod
Fite	Moody	Sloan
Folmar	Moulthrop	Spragins
Frazer	Nance	Sprott
Godbold	Norman	Stevens
Justice	Plowman	Stokes
Kilby	Renfro	Tunstall
Lovelace	Rogers	Vaiden
Merrill	Screws	

—34

JOURNAL.

On motion of Mr. Stevens, the reading of the Journal of yesterday was dispensed with and the same was approved.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bill:

S. 233. An act to establish and create the Hale county law and equity court; to create and define its jurisdiction; to provide its officers, their powers duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court and to authorize the judge thereof to establish such rules and procedure as may be required for a proper system of practice for said court and to amend the same.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from committee on Enrolled bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Tunstall:

S. 303. To amend section 4480 of the code of Alabama.

Judiciary.

By Mr. Spragins:

S. 304. To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

Temperance.

With notice and proof as follows:

NOTICE.

Is hereby given that at the present session of the Legislature of Alabama, substantially the following bill will be introduced for passage to-wit: a bill to be entitled.

"AN ACT

To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville."

Section 1. *Be it enacted by the Legislature of Alabama*, That the county of Madison is hereby authorized and empowered to conduct and carry on the business of buying and selling, spirituous, vinous and malt liquors and for that purpose to establish, operate and maintain a dispensary, under the supervision, direction and control of the court of county commissioners of said county, which dispensary shall be located at some public, convenient and accessible place in the city of Huntsville.

Sec. 2. Within thirty days after the passage of this act the probate judge of Madison county, Alabama, shall appoint a dispenser for said dispensary who shall

hold office for four years from and after his appointment and until his successor is elected and qualified. On the first Monday in April 1915, and every four years thereafter, said court of county commissioners shall elect a dispenser for said dispensary. The dispenser shall be a resident of Madison county, over the age of ~~twenty-one~~ years, and esteemed as honest, temperate, law-abiding, and competent to perform the duties of dispenser.

Sec. 3. It shall be the duty of the said court of county commissioners, as soon as practicable after the passage of this act, to locate and establish and begin the conduct and operation of said business. Said court of county commissioners are authorized to adopt such rules and regulations for the establishment, maintenance, management and operation of said dispensary, not inconsistent with this act, as they may deem best, and they shall keep a book of minutes of all their proceedings, in which shall also be entered the rules and regulations as they may adopt. They shall keep a strict and accurate account of all receipts and expenditures, of every kind and description, for or on account of said dispensary, in a well bound book, or books provided for that purpose, which book or books shall show the items of such receipts and expenditures, as to dates, amounts, and person to whom and by whom paid, and said books shall be kept in the office of the probate judge of said county and shall be subject at all times to inspection and examination by the citizens of the county. All accounts paid by said court of county commissioners on account of the establishment, maintenance or operation of said dispensary shall be itemized, made out against said county and paid as other claims against said county are paid. The receipts and vouchers therefor shall be carefully kept and filed by the probate judge as public records of the county.

Sec. 4. The liquors, supplies, equipments and fixtures for said dispensary shall be purchased and contracted for by three persons to be known as the dispensary commissioners, one of whom shall be the probate judge of said county. Within 30 days after the

passage of this bill the governor of the State of Alabama shall appoint the other two dispensary commissioners, who shall hold office for four years from and after their appointment and until their successors are elected and qualified. On the first Monday in April, 1915, and every four years thereafter, said court of county commissioners shall elect two dispensary commissioners, who shall hold office until their successors are elected and qualified. The dispensary commissioners shall be resident citizens of Madison county, of good moral character, honest, temperate and intelligent. They shall attend in person to the purchase of all supplies, equipments, fixtures and liquors of said dispensary, which they shall purchase for and on account of the county and the bills therefor shall be made up against the county and approved in writing by said dispensary commissioners. The dispensary commissioners shall see to it that all spirituous liquors purchased for said dispensary shall be pure distilled liquor and unadulterated, and to this end they may, from time to time, cause inspection and analysis to be made by experts of the various liquors in stock or intended for sale at said dispensary. No liquors except as hereinafter provided shall be purchased by said dispensary commissioners for replenishing the stock in said dispensary except upon a written order issued by the court of county commissioners, such written orders to be issued whenever the dispenser shall state in writing that the liquors so ordered are needed in the dispensary. Provided, however, that said dispensary commissioners shall, in purchasing liquors by the barrel for said dispensary, make such purchases on a certain day or certain days in each year, advertise for bids therefor, stating the kind, character and quality of liquors desired, of a certain age and proof, and requiring them to be pure distilled, and shall award the contract therefor to the lowest responsible bidder, requiring from the party getting the contract a bond with good and sufficient sureties, in such sum as the dispensary commissioners shall fix, stipulated that the goods shall come up to the standard as called for by the advertisement and be de-

livered as needed. Said bond shall be made payable to the judge of probate of said county and his successors in office for the use of the county, and shall be filed and kept in his office. Said dispensary commissioners shall each receive an annual salary of fifty dollars, payable at such times as the court of county commissioners shall prescribe. ~~Any vacancy in the office of dispensary commissioner, prior to the first Monday in April, 1915, shall be filled by appointment by the probate judge of Madison county, Alabama; thereafter by the said court of county commissioners.~~

Sec. 5. The dispenser, under the control and supervision of the said court of county commissioners, shall sell liquors at such dispensary for cash only, at a uniform price or prices to be fixed by the court of county commissioners. He shall have the immediate management and custody of said dispensary, subject to the regulations and supervision of said court of county commissioners. He shall employ such assistants in the business as the court of county commissioners shall by regulation authorize at such salary as shall be fixed by said county commissioners not exceeding \$75 a month each. Such compensation shall be prescribed prior to the employment of such clerks or assistants and shall not in any way depend on the amount of sales at the dispensary. The selections of such clerks or assistants shall be subject to the approval of the commissioners' court, and the dispenser shall be responsible for the conduct of such clerks or assistants. Said dispenser shall see that the dispensary is kept supplied at all times with a stock of liquors sufficient in quantity and variety to meet the demand therefor, and he shall from time to time report in writing to the commissioners' court as to what liquors are needed therein for the purpose of replenishing the stock. Before entering upon the discharge of his duties the dispenser shall take and subscribe an affidavit, which shall be filed in the office of the probate judge of said county, in form as follows: "I,----- do solemnly swear that I have never knowingly violated the laws of Alabama relative to the sale or giving away of spirituous, vinous

or malt liquors, that I will not knowingly sell or give away, or permit the sale or gift of any spirituous, vinous or malt liquors to any minors or persons of unsound mind, or to any person of known intemperate habits; that I will not keep open the dispensary or make or allow any sales of liquors when it is unlawful so to do, that I will not drink, or allow any loitering, drinking or gambling of any kind in or about the dispensary or the premises on which it is located; and that I will faithfully observe and keep the rules and regulations made and enacted for the management and operation of said dispensary. So help me God."

The dispenser shall, also before beginning business execute a bond with two good and sufficient sureties or with some solvent guarantee company as security, to be approved by the probate judge and filed and recorded in his office, in the penalty of ten thousand dollars, payable to the judge of probate of said county and his successors in office, and conditioned for the honest and faithful discharge of his duties as such dispenser, and to cover any default of his clerks or assistants.

For the neglect of duty, incompetency, violation of his oath, misfeasance or malfeasance in office, the dispenser may be removed from office by said court of county commissioners. Any vacancy in the office of dispenser prior to the first Monday in April 1915 shall be filled by appointment by the probate judge of Madison county, Alabama; thereafter by the said court of county commissioners.

Sec. 6. The dispenser shall be paid a salary of one hundred and fifty dollars per month, payable on the first day of each calendar month, and his compensation shall not depend in any way on the amount of sales that may be made at said dispensary.

Sec. 7. The dispenser shall deposit each day with some good and solvent bank in the city of Huntsville, Alabama, the money taken in by said dispensary from the sale of liquors. Said moneys shall be deposited to the credit of "Madison county dispensary account," and shall be subject to the check of the probate judge of said county, on order or resolution regularly passed by

the commissioners court of said county, and not otherwise.

Sec. 8. No liquor of any kind shall be sold in any quantity less than one-half pint, nor shall more than one sale be made to the same person in one day. No sale shall be made nor shall said dispensary be kept open between the hours of six o'clock p. m. of one day and six o'clock a. m. of the next day. Nor shall any spirituous or vinous or malt liquors be received, kept or sold at said dispensary that are not contained in sealed packages.

Sec. 9. Neither the dispenser nor any clerk or assistant shall himself drink or give away or suffer any other person to drink or give away liquor of any kind or in any quantity at or near the dispensary or on the premises on which the dispensary is located. Nor shall any one loiter, drink or engage in gambling of any kind on or about said premises.

Sec. 10. No gates, doors, windows or other opening shall connect the dispensary with any adjacent house or lot, so as to permit ingress into or egress from said house or lot from or into the dispensary.

Sec. 11. No screens shall be placed or allowed at or near the windows or doors of said dispensary, so as to prevent persons in such dispensary from being seen by persons outside.

Sec. 12. The court of county commissioners shall keep an inventory of the liquor bought and placed in the said dispensary for sale and shall take from the dispenser a receipt or receipts therefor, and said dispenser shall keep an accurate account of all sales. He shall make monthly settlements with said court of county commissioners and also make monthly reports in writing on the last working day of each month on such forms and under such directions, rules and regulations as said commissioners may require, and shall give full and accurate information as to the condition, expenses, profits, losses and status of the business, and he shall make such additional reports as may be required from him from time to time by said court of county commissioners.

Sec. 13. It shall not be lawful to sell or purchase any liquors at said dispensary on Sunday, Christmas day, Thanksgiving day, or any day when by the laws of Alabama it is or shall be made unlawful to sell such liquors. Nor shall it be lawful to sell thereat any liquors to any minor, person of unsound mind, or of known intemperate habits or to any intoxicated person, nor for any minor or person of known intemperate habits to purchase any such liquor. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 14. It shall be unlawful for any person, firm or corporation to keep or maintain any house or place where charges are made for mixing or concocting drinks of spirituous, vinous, or malt liquors, or where charges are made for the use of glasses or other receptacles for drinking such liquors.

Sec. 15. It shall be unlawful to place or leave in any public road, street, alley or other public place any bottle or other receptacle containing any spirituous, vinous or malt liquors.

Sec. 16. It shall be unlawful to send, carry or deliver to any one in said county from any place in the State of Alabama out of said county, any spirituous, vinous or malt liquors and the jurisdiction for said offense shall lie and be in the said county of Madison.

Sec. 17. It shall be unlawful to sell, barter or exchange any spirituous, vinous or malt liquors in said county of Madison, except as herein provided: Provided, that this act shall not prevent the sale on their own premises of domestic wines in quantities of not less than one quart by persons who have manufactured the same from grapes or berries grown on lands owned, leased or rented by them in Madison county, provided they do not establish places to sell the same or engage regularly in the business of selling the same within the limits of said county; and, provided, further, that

nothing in this act contained shall be construed so as to prevent the sale or delivery of spirituous, vinous or malt liquors in sealed packages to said county or said dispensary commissioners for sale at said dispensary, and provided further, that the penalties prescribed by ~~and under this act for the sale, barter or exchange of any spirituous, vinous or malt liquors in said county~~ of Madison shall not become or be effective before the dispensary provided for by this act shall be established and put into operation.

Sec. 18. Any person violating any of the provisions of sections 8, 9, 11, 14, or 15 of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars.

Sec. 19. Any person violating any of the provisions of sections 16, or 17 of this act shall be guilty of a misdemeanor and on conviction for the first or second offense shall be fined not less than fifty nor more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, and for the third or subsequent offense shall be fined not less than fifty nor more than five hundred dollars and shall also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 20. It shall be unlawful for any person, firm or corporation, directly or indirectly, to offer or give to any person purchasing or contracting for liquors for said dispensary or to any of the county commissioners or to the dispenser any rebate or commission or personal or pecuniary advantages or benefit by reason of or connected with or growing out of the sale or purchase of any liquor or supplies for said dispensary; and it shall be unlawful for any county commissioner, dispenser, or person purchasing or contracting for liquors for said dispensary to receive, directly or indirectly, any such rebate or commission or personal or pecuniary benefit or advantage. Any person violating any of the provisions of this section shall be guilty of a felony and on conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than three years.

Sec. 21. It shall be the duty of the mayor and aldermen of the city of Huntsville and of the policemen of said city to aid and cooperate with the county and State authorities in carrying out and enforcing the provisions of this act and bringing to punishment those guilty of violating its provisions.

Sec. 22. The dispenser is hereby invested with full power and charged with the duty, for the purpose of preserving order in and about said dispensary of making arrests for violations therein of its regulations or the ordinances of said city or the criminal laws of the State.

Sec. 23. Said court of county commissioners is further authorized and empowered to employ such clerical assistance as they may deem necessary and proper for the purpose of carrying out the provisions of this act as to keeping of books and records; and also to employ a skilled chemist for the purpose of inspecting, testing and passing upon the liquors to be sold at said dispensary, as to their purity and freedom from adulteration.

Sec. 24. Said court of county commissioners shall annually pay into the treasury of the State as a license tax for said dispensary the sum of five hundred dollars payable when other State license taxes are payable. Said tax shall be in lieu of all other license taxes, State, county and municipal.

Sec. 25. The proceeds arising from the operation of said dispensary, after the payment of the expenses of conducting the business shall be divided as follows: From the net proceeds there shall first be paid to the county superintendent of education for the support of the public schools of the county the sum of five thousand dollars, yearly, payable in quarterly installments at the end of each quarter after the establishment of said dispensary. The balance of said net proceeds shall at the end of each quarter be equally divided between the county of Madison and the municipal corporation known as the mayor and aldermen of the city of Huntsville. The county's half of said fund shall be paid into the county treasury at the end of each quarter and expended by the commissioners court for the building,

repair and maintenance of the public roads of the county.

Sec. 26. The judges of the circuit court of said county and of courts having like jurisdiction in said county shall give this act in special charge to the grand jury and it is the duty of the grand jury if the evidence justifies it, to find and present indictments for the violation of any of the provisions of this act.

Sec. 27. For administering the provisions of this act the court of county commissioners of Madison county shall be deemed to be always open.

Sec. 28. This act shall be effective from and after its passage. All laws and parts of laws, whether general, local or special, in conflict with the provisions of this act are hereby repealed.

State of Alabama, }
Madison County. }

Before me, Rachel Tomlinson, a notary public, in and for said county and State, this day personally appeared R. L. O'Neal, who being duly sworn deposes and says that he is the president and general manager of The Mercury Publishing Company, a corporation under the laws of Alabama, publishing a weekly newspaper at Huntsville, in said State and county, known and designated as "The Weekly Mercury," that the notice appended hereto was published once a week for four consecutive weeks in said newspaper to wit; in the issues of January 11th, 18th, 25th, and February 1st, and 8th, 1911.

R. L. O'Neal.

Sworn to and subscribed before me this the 20th day of February, 1911.

Rachel Tomlinson,
Notary Public.

By Mr. Spragins:

S. 305. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the 1st day of March,

1911, except in the dispensary for said county, located in the city of Huntsville.

Temperance.

With notice and proof, as follows:

NOTICE.

Is hereby given that at the present session of the Legislature of Alabama, substantially the following bill will be introduced for passage, to-wit: a bill to be entitled.

AN ACT.

to prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1911, except in the dispensary for said county, located in the city of Huntsville.

Be it enacted by the Legislature of Alabama:

1. It shall be unlawful to sell, barter or exchange spirituous, vinous or malt liquors in the county of Madison after the first day of March, 1911 except in the dispensary of said county, located in the city of Huntsville.

2. Nothing in this act, however, shall be construed so as to prevent the sale on their own premises of domestic wines in quantities not less than one quart, by persons who have manufactured the same from grapes or berries grown on lands, owned, leased or rented by them in said county, provided they do not establish places to sell the same or engage regularly in the business of selling the same.

3. Any person violating the provisions of this act shall be guilty of a misdemeanor and on conviction for the first or second offense, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, and for the third or subsequent offense, shall be fined not less than fifty nor more than five hundred dollars and

shall also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

4. All laws or parts of laws in conflict with the provisions of this act are repealed.

State of Alabama, }
~~Madison County, }~~

Before me, Rachel Tomlinson, a notary public, in and for said county and State, this day personally appeared R. L. O'Neal, who being duly sworn deposes and says, that he is the president and general manager of The Mercury Publishing Company, a corporation under the laws of Alabama, publishing a weekly newspaper at Huntsville, in said State and county, known and designated as "The Weekly Mercury," that the notice appended hereto was published once a week for four consecutive weeks in said newspaper to-wit: in the issue of January 11th, 18th, 25th, and February 1st, 1911.

R. L. O'Neal.

Sworn to and subscribed before me this the 20th day of February, 1911.

Rachel Tomlinson,
Notary Public.

By Mr. Beasley:

S. 306. To provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Public Roads and Highways.

By Mr. Brown, W. T.:

S. 307. To amend sections 2, 3, 4, and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27, 1901.

Judiciary.

With notice and proof as follows:

NOTICE.

Is hereby given that a bill will be introduced in the Legislature of Alabama, at its present session, to amend sections two (2), four (4), and five(5), of an act to declare the powers and jurisdiction of the city court of Gadsden, Etowah county, by making the judge and clerk of said court elective, said election to be held at the same time of the general election for State officers in the year 1912, and every six years thereafter. The term of office of said judge and clerk shall be for six years and shall commence immediately upon the expiration of the term of office of the present judge and clerk of said court, to-wit: On the 27th day of February, 1913, also to fix the terms of said court to-wit: Commencing the first (1st) Monday in September and continuing to the third (3rd) Saturday in December, and commencing the first (1st) Monday in January and continuing to the fourth (4th) Saturday in June of each year.

State of Alabama,)
Etowah County. }

Personally appeared before me, L. L. Herzberg, probate judge, in and for said county, A. W. McCulloch, who, being first duly sworn, states that the annexed publication has been regularly made once a week for four consecutive weeks, to-wit: January 23, and 30, and February 6, and 14, 1911 in the Gadsden Evening Journal, a newspaper, published in Gadsden in said county.

A. W. McCulloch,
Business Manager of the Gadsden Evening Journal.

Sworn to and subscribed before me this 14th day of February, 1911.

L. L. Herzberg,
Judge of Probate.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jenkins:

H. 298. To detach the county of Baldwin from the thirteenth judicial circuit of Alabama, and attach it to the second judicial circuit of Alabama, and to fix the times of holding courts therein.

By Mr. Pegram:

H. 142. To amend section 3 of an act entitled an act "to create and establish the Marengo law and equity court for Marengo county," approved August 26, 1909.

By Mr. Smith:

H. 131. To amend section 2884 of the civil code of Alabama, relating to appeals in civil causes to the supreme court of Alabama.

Mr. Plowman, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stevens:

S. 237. To amend section 3281 of the code of Alabama.

By Mr. Merrill:

S. 166. To amend an act "to establish a county court for the county of Clay," approved December 13, 1898, (And amended March 2, 1901 and August 6, 1907).

By Mr. Screws:

S. 78. To fix the salary of the reporter of the decisions of the supreme court of Alabama; to provide a stenographer for the reporter, and to fix the salary of such stenographer.

By Mr. Mastin:

H. 44. To impose a tax of one dollar a year on each male and two and one-half dollars on every female dog in the State of Alabama, over four months of age, and to provide for the collection of such tax and to provide that all live stock killed or injured and all damages done thereto shall be paid for out of the Dog Tax fund, and to provide that the surplus left in dog tax fund on the first day of March of each year shall be paid into the public school funds of said county.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Godbold:

S. 294. To ratify, confirm and legalize all acts and orders of the Court of County Commissioners of Wilcox County in the payment of road overseers, appointed under the official road law of said County, approved July 25th, 1907; to ratify and legalize the payment of the convict agent appointed by said court; to ratify and legalize the hiring of teams by said overseers appointed under said Act; and to legalize the payment of all warrants and orders of said Court by the Treasurer of said County pertaining to said road law.

By Mr. Godbold:

S. 295. To provide that all claims which are payable out of the fine and forfeiture fund of Wilcox county shall, in future, be paid out of the general fund of said county, and to fix the amount or percentage, of said claims which will be so paid, and to regulate the payment of same.

By Mr. Godbold:

S. 296. To abolish the fine and forfeiture fund of Wilcox County, and to provide for the payment into the general fund of said county of all moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund.

By Mr. Merrill:

S. 298. To regulate the practice in the circuit court of Cleburne county.

By Mr. Fite:

S. 297. To establish an inferior court of record for Franklin county; to prescribe and define the jurisdiction thereof, and to provide for the officers thereof.

By Mr. Judge:

H. 140. To fix the compensation of bailiffs of courts of record.

By Mr. Pittman (with amendment):

H. 182. To regulate the Fine and Forfeiture Fund of Coffee County, and claims against said funds, and requiring all fines and forfeitures to be paid in money, and making it a misdemeanor punishable by fine for any officer collecting moneys belonging to said fund to fail to pay the same to the County Treasurer within sixty days from the collection thereof.

By Mr. Wilhite:

H. 258. To require the commissioners' court of Morgan county, to work all the county convicts of said county, on the public roads of said county.

Mr. Brown, W. T., chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Arnold:

H. 173. To amend section 1861 of the code of Alabama.

By Mr. Merrill:

S. 257. To amend section 1348 of the code of Alabama.

ADVERSE REPORT.

Mr. Plowman, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Folmar:

S. 16. To require tailors and tailoring companies doing business in the State of Alabama to pay a license tax to the municipality where it is located; and upon the payment of said license tax, to exempt the same from the payment of a license tax to any other municipality in the State, and to repeal conflicting laws.

REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your committee on revision of the Journal, begs leave to report that it has carefully examined the Journal of the Senate for the twenty-third, twenty-fourth, twenty-fifth and twenty-sixth legislative days and finds same correct as to all original entries and references thereto and that the same comply with all constitutional requirements.

W. C. Crumpton,
Chairman.

REPORT.

On motion of Mr. Crumpton, said report was concurred in and adopted and the Journal of the Senate for the 23rd, 24th, 25th, and 26th legislative days were approved by the Senate.

RESOLUTION.

Mr. Tunstall offered the following joint resolution:

S. J. R. 54. Resolved by the Senate, the House concurring, That the presiding officers of the Senate and House be and are hereby requested to erase their signatures to Senate bill 233.

Which under a suspension of the rules, was adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

H. J. R. 61. Be it resolved by the House, the Senate concurring, ~~That the Senate be requested to return~~ House bill 100 to the House for the purpose of correcting errors, made in the engrossment of the bill.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House joint resolution in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. J. R. 61. To Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 516. To amend sections 3615 and 3625, code of Alabama, 1907.

And ordered the same sent forthwith to the Senate without engrossment.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bill in the foregoing House message was read one time and referred to appropriate standing committees as follows:

H. 516. To Corporations.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 196. To ratify and confirm conveyances by John Swann and John A. Billups, trustees, and by their successors, under and by virtue of an act of the General Assembly of Alabama, approved February 23, 1876, and known as the "Debt Settlement Act" (Acts 1875-6, p. 130) and to declare the trust created by that act fully executed, and confirming conveyances to the beneficiary under said trust—The Alabama State Land Company—and declaring the act public and providing its recitals shall be evidence of the facts stated, in all courts of this State.

S. 162. To prohibiting the selling or exhibiting for sale, any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another for the purpose of selling or exhibiting for sale any goods, wares or merchandise without the written consent of the owner of such private roads or lands in Counties in Alabama having a population of less than sixty thousand inhabitants according to the last federal census or any succeeding federal census.

S. 174. To amend section 1258 of the code of Alabama.

S. 201. To amend sections 2038 and 2039 of the code of Alabama.

S. 189. To amend section 6211 of the code of 1907.

S. 137. To amend section 6733 of the code of Alabama.

S. 214. To amend section 6112 of the 1907 code of Alabama.

S. 106. To repeal an act "To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk. Approved August 26, 1909, General and Local Acts of the Special Session of 1909, and to provide for the transfer of witness fees paid into the State Treasury as provided by same.

S. 33. To prohibit the manufacture for sale, the sale, lending, giving, bartering, exchanging, delivering, or otherwise disposing of spirituous, vinous, malt or other

intoxicating liquors or beverages or other alcoholic liquors or beverages, in Pickens county, Alabama.

S. 35. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, or proprietary medicines, or alcoholic drinks in Sumter County, Alabama; ~~provided, this act~~ shall not prevent its use for religious or sacramental purposes; and to prohibit the bringing into said county by any person for the use of any person other than himself any such spirituous, vinous or malt liquors, intoxicating bitters, intoxicating beverages, intoxicating cordials, or intoxicating proprietary medicines, or alcoholic drinks from any place within this State, and to prohibit the procuring for another or the taking or soliciting or receiving orders for spirituous, vinous, or malt liquors, intoxicating beverages, bitters, cordials, or alcoholic drinks or intoxicating proprietary medicines in said county over any telegraph or telephone line and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, bitters, cordials, proprietary medicines, or alcoholic drinks to any point within this State, and to prohibit any person, firm or corporation in the State of Alabama from shipping into Sumter county from any point in said State, spirituous, vinous or malt liquors, intoxicating bitters, beverages, cordials, proprietary medicines, or alcoholic drinks and to provide penalties for all such prohibited acts and to repeal all laws in conflict therewith.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 158. To amend section 5768 of the code of 1907.

H. 269. To better provide for reports of deaths, and to prescribe penalties and failure to comply with the provisions of this act.

H. 240. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

H. 304. To amend section six thousand nine hundred and sixty-four (6964) of the criminal code of 1907.

H. 37. To amend section 3613 of the code of Alabama.

H. 334. To amend an act approved August 26, 1909, entitled an act to amend section 7083 of the code of Alabama of 1907.

H. 406. To amend section 2984 of the code of Alabama of 1907.

H. 435. To authorize common carriers in this State to sell unclaimed articles of freight.

H. 316. To regulate the assignment of unearned salaries and wages of persons in the State and to prescribe conditions under which such assignments may be made.

And send the same herewith to the Senate.

Also:

H. 317. To provide for an official stenographer for the law and equity court of Mobile.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama, }
Mobile County. }

Personally appeared before me, S. H. Smith, clerk of the circuit court of Mobile county, Alabama, M. P. Dowling, who being by me first duly sworn says: That he is the bookkeeper of the Item Publishing Company, a corporation, publishing The Mobile Daily Item, a newspaper printed, published and circulated daily in the city and county of Mobile, State of Alabama, and that he has personal knowledge that the following notice, viz:

"NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, a bill will be introduced providing for the election by the board of revenue and road commissioners of Mobile county, at their first meeting after the passage and approval of said bill of an official stenographer for the law and equity court of Mobile, to be paid a salary monthly out of the treasury of Mobile county, and shall also receive fifteen cents per hundred words for transcripts of the evidence and proceedings in said court, to be paid for by the applicants for such transcripts; that his term of office shall be for six years, and providing further for the repeal of section 28 of the act establishing said law and equity court of Mobile, providing that the official court stenographer of Mobile county shall attend upon said court."

Was published once a week for four consecutive weeks, without expense to the State, to-wit: December 3rd, 10th, 17th, and 24th, 1910, in said Mobile Daily Item, a newspaper printed and published as aforesaid.

M. P. Dowling.

Subscribed and sworn to before me on this the 6th day of January, 1911.

S. H. Smith,
Clerk of the Circuit Court of Mobile County, Ala.
W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

- H. 158, To Public Roads and Highways.
- H. 269, 334, To Public Health.
- H. 240, To Fees and Salaries.
- H. 304, To Forestry Conservation and Preservation of Game.
- H. 37, To Corporations.

- H. 406, To Revision of Laws.
- H. 435, To Commerce and Common Carriers.
- H. 316, To Judiciary.
- H. 317, To Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 91. To amend section 6638 of the code of Alabama of 1907.

H. 194. To submit to the qualified voters of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1912, for their consideration, an amendment to the Constitution of the State, so as to authorize and empower the legislature from time to time by general or local laws to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Jefferson county, including the method or basis of their compensation.

H. 198. To authorize courts of County Commissioners or Boards of Revenue of any County in which the State or Federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

W. F. Herbert,
Clerk..

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 36. To amend section 2296 of the code of 1907.

S. 94. To amend section 1803 (3665) of the code of Alabama.

S. 6. To prohibit any one knowingly, and with the intent to injure or defraud, issuing checks or orders upon banks, or other persons, when the makers of such orders or checks have not sufficient funds on deposit with the drawee to pay such order, and to provide punishment therefor.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 54. Relative to erasure of signatures from S. 233.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

REPORT OF CONFERENCE COMMITTEE.

Mr. Fite from the committee on Conference on disagreement of the two Houses on Senate amendment to H. 169, begs leave to report as follows:

Mr. President:

We, your committee on Conference, having under consideration the Senate amendment to:

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair County. A Board of Road Commissioners provided for. Their appointment, how made. Vacancies, how filled. Organization of such board. Duties of the Chairman. Duties of the Secre-

tary and Treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the Board, how done. Authority, duties and powers of the Board of Road Commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the Board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the Board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the Board. Penalty for same. Court of County Commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in County Treasury may be transferred to the Board. Disposition of funds in hands of Treasurer of Board. Proceeds arising from bond issue, to be handled by such Board. Condemnation proceedings provided. All rights, powers, duties, etc. On Commissioners' Court with reference to public roads, etc. Now conferred by general law of State available and applicable to such Board of Road Commissioners. Repeal clause.

Beg leave to report that the Senate recede from its amendment and that the bill be amended by adding after the words "as fast as received" in section 31 the following, to-wit:

"In equal amounts as far as practicable, in the different banks of said St. Clair county, in good financial standing," and strike out the words "in some bank or banks to be designated by the board."

J. Fall Roberson, John V. Smith, Geo. J. Sullivan, committee on the part of the House.

W. T. Brown, Ernest B. Fite, committee on the part of the Senate.

CONFERENCE REPORT.

On motion of Mr. Fite, the Senate concurred in and adopted the foregoing report of Conference committee on the disagreement of the two Houses on Senate amendment to H. 169. The title to which and proposed amendment thereto is set out in foregoing report of Conference committee.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Allen	Godbold	Sherrod
Atkins	Kilby	Sloan
Brown, W. T.	Merrill	Spragins
Curry	Moody	Sprott
Espy	Moulthrop	Stevens
Fite	Nance	Stokes
Folmar	Norman	Tunstall

—23

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 29. To regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County and repeal an act entitled "An act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County," approved December 11th, 1873, and to repeal an act entitled "An Act to amend an Act to regulate the

disposition and management of the bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township 7, Range 9 West, in said County," approved December 11th, 1873," approved February 18th, 1895.

And returns the same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Sherrod, the Senate concurred in the following amendment by the House to Senate bill 29, the title of which is set out in the foregoing message from the House, to-wit:

Amend section 2 so as to read as follows:

Section 2. Be it further enacted that the State of Alabama shall pay six per cent per annum, interest on said fund which shall be paid to the teachers of the white free public schools of township 7, range 9, west, of Lawrence county, Alabama, and the county board of education shall apportion the amount of this interest each year to the districts composing said township in addition to the regular school funds apportioned by said county board in accordance with section 256 of the Constitution and section 1765 of the code.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Godbold	Sherrod
MORROW, Pres. Pro tem	Justice	Sloan
Allen	Kilby	Spragins
Beasley	Merrill	Sprott
Brown, W. T.	Moody	Stevens
Espy	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Norman	Vaiden
Frazer	Rogers	

Nays, 0.

ERASURE OF SIGNATURE.

In pursuance of S. J. R. 54, and on motion of Mr. Tunstall, the President of the Senate in the presence of the Senate erased his signature from Senate bill:

S. 233. An act to establish and create the Hale county law and equity court; ~~to create and define its jurisdiction; to provide its officers, their powers duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court and to authorize the judge thereof to establish such rules and procedure as may be required for a proper system of practice for said court and to amend the same.~~

And directs the secretary to send same to the House and request the Speaker thereof to erase his signature therefrom.

REPORT OF SPECIAL COMMITTEE.

The joint committee of three members on the part of the Senate and five members on the part of the House, appointed to consider, prepare and submit a bill for the establishment of a court of appeals or some other method of relief as suggested by Senate bill 117 and report to the Senate and House, respectfully reports and recommends, after full investigation of the matter aforesaid, that certain amendments which this committee has prepared to Senate bill 117, and which will be offered by a member of the committee, be adopted and that said Senate bill 117, as so amended be passed.

T. M. Stevens, Robt. E. Spragins, Thurston H. Allen, Committee on part of the Senate.

W. O. Mulkey, B. deG. Waddell, Jos. J. Arnold, W. L. Parks, Committee on part of the House.

On motion of Mr. Atkins, the report was received and concurred in and the further consideration of the bill postponed until Wednesday, March 1st, 1911, at 12 o'clock, noon.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bills:

S. 133. To create and establish the Juvenile court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate in all cases of children under sixteen (16) years of age, for delinquent, indigent, neglected, or otherwise subject to discipline, or in need of the care and protection of the State and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

S. 120. To amend section 1 of an act entitled an act "to provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office."

And returns the same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Morrow, the Senate concurred in the following amendment by the House to Senate bill 133, the title of which is set out in the foregoing message from the House, to-wit:

To amend section 4 as follows, strike out the words "two thousand dollars" and insert in lieu thereof "twenty-five hundred dollars."

To amend section 11 Senate bill 133 by adding the words "or to the circuit court of Jefferson county Alabama" after the words "to the probate court of Jefferson county Alabama" where these words appear in section XI.

Yeas, 22 ; nays, 0.

Yeas:

Messrs. :	Frazer	
Morrow, Pres. Pro tem	Godbold	Plowman
Allen	Justice	Sherrod
Atkins	Kilby	Sloan
Brown, W. T.	Merrill	Spragins
Crumpton.	Moody	Sprott
Fite	Moulthrop	Tunstall
Folmar	Nance	

—22

Nays, 0.

On motion of Mr. Morrow the Senate concurred in the following amendment by the House to Senate Bill No. 120, the title of which is set out in the foregoing message from the House, to-wit:

Amend by inserting immediately after the words "Legislature of Alabama," where the same first appear together in section one, the following words: "that section one of an act entitled 'an act to provide for the creation of Auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office,' approved on the 25th day of January, 1899, be and the same is hereby amended so as to read as follows:"

Yeas, 23 ; nays, 0.

Yeas:

Messrs. :	Godbold	Screws
Morrow, Pres. Pro tem	Kilby	Sherrod
Allen	Merrill	Sloan
Atkins	Moody	Spragins
Beasley	Moulthrop	Sprott
Brown, W. T.	Nance	Stevens
Espy	Norman	Stokes
Fite	Rogers	Tunstall

—23

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

In pursuance of Senate Joint Resolution No. 54 the Speaker of the House in the presence of the House, erased his signature from:

S. 233. To establish and create the Hale county law and equity court; to create and define its jurisdiction; to provide its officers; their powers, duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court and to authorize the judge thereof to establish such rules and procedure as may be required for a proper system of practice for said court, and to amend the same.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

RECESS.

At 1:30 o'clock P. M., on motion of Mr. Sprott, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION.

Wednesday, February 22, 1911.

The Senate reassembled at 3:30 o'clock P. M.

ROLL CALL.

On a call of the roll 21 Senators answered to their names, a quorum of the Senate as required by the Constitution.

WITHDRAWAL OF NOTICE.

Mr. Tunstall withdrew his notice of motion to reconsider the vote by which the Senate, on the 10th day of February, 1911, passed:

S. 130. To amend section 1251 of the Code.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follow:

By Mr. Tunstall.

S. 308. To amend subdivision 2 of section 2061 of the Code of 1907.

Judiciary.

By Mr. Screws.

S. 309. Authorizing grantees in conveyances of real property which correctly describe the real property intended to be conveyed to maintain in the chancery courts of this State, or in courts of this State having like jurisdiction, bills for the correction of conveyances which were intended to convey said lands, where a mistake was made in the description of the land, when the party filing said bill has title, by a direct conveyance or by mesne conveyances, from the grantee in the conveyance sought to be corrected.

Judiciary.

By Mr. Screws.

S. 310. To amend section 2830 of the Code of Alabama.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Brown, W. T., chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brown, C. W. (with amendment):

S. 276. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the Seventh District Agricultural School and Experiment Station at Albertville, Alabama.

By Mr. Espy (with amendment):

S. 226. To appropriate ten thousand dollars for the purpose of building dormitories for the Southeast Ala-

bama Agricultural School and Experiment Station, located in the Third Congressional District, in Henry county, at Abbeville, Ala.

By Mr. Sloan (with amendment) :

S. 278. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Curry.

S. 293. To establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof.

By Mr. Page.

H. 145. To prohibit members of the State tax commission or any officer of the State tax commission and county tax commissioners from acting as agent or attorney for another in the assessment of taxes.

Mr. Plowman, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill, and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite.

S. 27. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the fol-

lowing bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Percy (with amendment):

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama ~~which now have, or which may here-~~ after have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bill:

S. 233. An act to establish and create the Hale county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court and to authorize the judge thereof to establish such rules and procedure as may be required for a proper system of practice for said court, and to amend the same.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Sen-

ate bill, the title of which is set out in the foregoing report from the committee on Enrolled Bills. The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

RECONSIDERATION OF VOTE, AND RECOMMITMENT OF BILL.

On motion of Mr. Atkins, the Senate reconsidered the vote by which it passed on yesterday:

S. 183. To regulate the sale or other disposition of corn, oats, rye, barley, wheat and other grains, and to provide penalties for violations thereof.

And he further moved to reconsider the vote ordering said bill to a third reading.

Which motion prevailed. He then moved that said bill be recommitted to the committee on Agriculture, a standing committee of the Senate; which motion prevailed, and said bill was so recommitted.

RECALL AND RECOMMITMENT OF BILL.

On motion of Mr. Sherrod, the Senate recalled from the committee on Privileges and Elections:

H. 48. To authorize the holding of an election by the legally qualified voters of the cities of Decatur and New Decatur in Morgan county, Alabama, to determine whether said cities shall be consolidated and merged into one city under the name of Decatur, Alabama; provide for the holding of said election; and in the event a majority vote be cast for consolidation, to provide for the consolidating and merging of said cities in all things necessary and incident thereto.

And recommitted same to the committee on Local Legislation, a standing committee of the Senate.

RETURN AND RECOMMITMENT OF BILL.

Mr. Atkins, from the committee on Fees and Salaries, a standing committee of the Senate, returned to the Senate:

S. 299. To make further provision for paying the per diem and mileage of the members and officers and expenses of the Legislature.

And upon his motion the same was recommitted to the committee on Finance and Taxation, a standing committee of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the conference report on the disagreement of the two houses on the Senate amendment to H. 169.

W. F. Herbert,
Clerk.

To the President of the Senate:

Your committee on conference having under consideration:

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

Recommend as follows:

1. That the House concur in Senate amendment No. 2 to said House bill 213.
2. That the House concur in Senate amendment No. 6 to said House Bill No. 213.
3. That the House concur in Senate amendment No. 8 to said House Bill No. 213.

Respectfully submitted, this the 22nd day of February, 1911.

J. H. Cranford,
W. O. Mulkey,
John V. Smith,
Committee on part of the House.
C. M. Sherrod,
Thos. E. Kilby,
N. P. Renfro,
Committee on part of the Senate.

CONFERENCE REPORT.

On motion of Mr. Sherrod the Senate concurred in and adopted the report of the committee of Conference on the disagreement of the two houses on Senate amendments to H. 213, the title of which and proposed amendments thereto are contained in the foregoing report of the committee of Conference and said amendments, Nos. 2, No. 6 and No. 8 were adopted by the Senate.
Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Kilby	Rogers
Allen	Miller	Screws
Brown, W. T.	Moody	Sherrod
Crumpton	Moulthrop	Spragins
Fite	Nance	Sprott
Frazer	Norman	Stevens
Godbold	Plowman	Stokes
Justice	Renfro	Vaiden

—23

Nays, 0.

CONSIDERATION OF SPECIAL ORDER.

The Senate then proceeded to consider the continuing special order set for today at 12:30 o'clock p. m., which was:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than two thousand and not more than twenty-five thousand people according to the last federal census, or any federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abol-

ish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Mr. Curry offered the following amendment, to-wit:

Amend the caption of said bill by striking out the words, "two thousand," ~~where the same appears in said~~ caption and insert in lieu thereof the words "fifteen hundred."

Which was adopted.

Ayes, 26; Nays, 0.

Yeas:

Messrs.:	Frazer	Renfro
Allen	Godbold	Rogers
Atkins	Kilby	Screws
Beasley	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Nance	Stokes
Espy	Norman	Tunstall
Fite	Plewman	Vaiden

—26

Nays, 0.

Mr. Kilby offered the following amendment, to-wit:

Amend section 19, after the word "city" in line 9, page 21, add the words, "provided that this shall not apply to any employment or interest existing at the time of the selection or election of such commissioner or other official."

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Curry	Miller
Allen	Espy	Moulthrop
Atkins	Fite	Nance
Beasley	Godbold	Norman
Brown, W. T.	Kilby	Renfro
Crumpton	Merrill	Rogers

Screws	Sprott	Tunstall
Sloan	Stevens	Vaiden
Spragins	Stokes	

—25

Nays, 0.

Mr. Espy offered the following amendment, to-wit:

Amend section 16 by striking out the words "seventy-five hundred" wherever they appear in said section and substitute therefor the words, "seven thousand."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Frazer	Renfro
Allen	Godbold	Rogers
Atkins	Justice	Screws
Beasley	Kilby	Sloan
Brown, W. T.	Miller	Spragins
Crumpton	Moody	Sprott
Curry	Moulthrop	Stevens
Espy	Nance	Stokes
Fite	Norman	Vaiden

—26

Nays, 0.

Mr. Spragins offered the following amendment, to-wit:

Amend the bill by striking out section 3 and inserting in lieu thereof the following: Sec. 3. Within thirty days thereafter the governor shall appoint three commissioners for such city, one to hold office for a term from the date of his appointment and qualification until the first Monday in October of the next year succeeding his appointment and until his successor shall qualify as hereinafter provided; one to hold office from the date of his appointment and qualification until the first Monday in October of the second year next after his appointment and until his successor shall be elected and shall qualify as hereinafter provided; and one to hold office from the date of his appointment and qualifica-

tion until the first monday in October of the third year next after his appointment and until his successor shall be elected and shall qualify as hereinafter provided.

Which was adopted.

Years, 21; Nays, 10.

Yeas.		
Messrs.:	Justice	Sloan
Morrow, Pres. Pro tem	Merrill	Spragins
Atkins	Moulthrop	Sprott
Beasley	Renfro	Stevens
Curry	Rogers	Stokes
Espy	Screws	Tunstall
Frazer	Sherrod	Vaiden
Godbold		
		—21
Nays:		
Messrs.:	Fite	Nance
Allen	Kilby	Norman
Brown, W. T.	Miller	Plowman
Crumpton	Moody	
		—10

And said bill as thus amended was read a third time at length and passed.

Years, 27; Nays, 0.

Yeas:		
Messrs.:	Godbold	Rogers
Morrow Pres. Pro tem	Kilby	Screws
Allen	Miller	Sherrod
Atkins	Moody	Sloan
Beasley	Moulthrop	Spragins
Brown, W. T.	Nance	Sprott
Crumpton	Norman	Stevens
Curry	Plowman	Stokes
Fite	Renfro	Vaiden
Frazer		
		—27
Nays, 0.		

The Senate then proceeded to consider the next special order for today, which was:

S. 238. To provide for the creation of the office of State Prison Inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said Inspector; to fix the compensation of such Inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal Census, under the supervision of said inspector; and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

And the same was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Years, 24; Nays, 0.

Yeas:

Messrs.	Godbold	Renfro
Morrow, Pres. Pro tem	Kilby	Rogers
Allen	Merrill	Screws
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Brown, W. T.	Moulthrop	Stokes
Crumpton	Nance	Tunstall
Curry	Norman	Vaiden
Frazer		

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Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the report of the committee on Conference on the disagreement of the two houses on the Senate amendment to H. 213. To create a banking department of the State of Ala-

bama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto.

W. F. Herbert,
Clerk.

ORDER TO PRINT.

On motion of Mr. Fite the secretary was directed to have 500 copies of:

S. 27. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Printed for the use of the Senate.

ADJOURNMENT.

At 4:30 o'clock P. M., on motion of Mr. Sprott, the Senate adjourned until 11 o'clock tomorrow morning.

TWENTY-EIGHTH DAY.

Thursday, February 23, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Preston.

ROLL CALL.

Present:

Mr. President and

Messrs.:	Brown, C. W.	Fite
Morrow, Pres. Pro tem	Brown, W. T.	Folmar
Allen	Crumpton	Frazer
Atkins	Curry	Godbold
Beasley	Espy	Justice

Kilby	Norman	Spragins
Lovelace	Renfro	Sprott
Merrill	Rogers	Stevens
Miller	Screws	Stokes
Moody	Sherrod	Tunstall
Moulthrop	Sloan	Vaiden
Nance		

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JOURNAL.

On motion of Mr. Crumpton, the reading of the Journal of yesterday was dispensed with and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Spragins:

S. 311. To provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, and to provide penalties for violations thereof.

Public Roads and Highways.

With notice and proof as follows:

NOTICE.

Is hereby given that at the present session of the Legislature of Alabama, substantially the following bill will be introduced for passage to-wit: A bill to be entitled.

AN ACT.

To provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, and to provide penalties for violations thereof. *Be it enacted by the Legislature of Alabama:*

Section 1. The probate judge of Madison county shall within a reasonable time, after the approval of this act, and every four years thereafter except as hereinafter provided, appoint a supervisor of public roads for said county, whose term of office shall be for four years; provided, however, that the supervisor first appointed after the approval of this act, shall hold office until the first of May, 1915, at which time his successor shall be appointed, for a term of four years, and every four years thereafter a supervisor shall be appointed. Such supervisor shall be a competent civil engineer, with experience in road building, and shall be subject to removal by said judge for drunkenness, incompetency or neglect of duty. Such supervisor may make the bond required of him in section 2 of this act, in a solvent guarantee company to be approved by such judge.

Sec. 2. That such supervisor shall, before entering upon the duties of his office, qualify by taking and filing the statutory oath of office and giving bond conditioned for the faithful performance of the duties of such office, payable to Madison county, in such sum as may be prescribed by said court, not less than one nor more than five thousand dollars, with surties thereon to be approved by the probate judge of said county, which said bond shall be recorded as other official bonds required to be recorded, in the office of the judge of probate.

Sec. 3. That the supervisor of public roads shall receive a salary for each year's service of not less than eighteen hundred dollars nor more than twenty-four hundred dollars, to be determined within said limit by the commissioners' court and to be paid to him in monthly installments, at the end of each month, by warrant to be drawn by the judge of probate on the road fund of the county.

Sec. 4. That said supervisor shall have control and supervision of all the public roads of said county as to the manner of working, repairing and maintaining the same and to changes of old roads, and establishing of new roads when ordered established by the commis-

sioners' court, and of the execution of any contract that may be made for the working and repairing of roads, or of repairing and building bridges, culverts, or causeways; provided, that at all times the said supervisor shall be under the direction and control of the commissioners' court of said county.

Sec. 5. That the supervisor shall have authority, and it shall be his duty immediately after entering on the duties of his office, to appoint a competent person in each precinct of the county as enumerator of road hands for each precinct for a term of two years, which said enumerator shall make oath in writing that he will faithfully discharge the duties of said office, which said oath may be administered by said supervisor, and when so taken shall be filed in the office of the judge of probate of said county and there preserved for public examination.

Sec. 6. That as soon as the names of the enumerators and lists of road hands hereinafter provided for shall have been made and filed in the office of the judge of probate it shall be the duty of such enumerator, by and with the advice and under the supervision, of the supervisor, to divide the public roads of each precinct into sections of such length as he may determine numbering consecutively the said sections and he by and with the advice and approval of the supervisor shall then appoint such overseers as may be necessary, for a term of two years, for the efficient and proper working and maintenance of the roads in such precinct, and assign by and with the advice and approval of the supervisor such section or sections to each overseer as may be determined and to each overseer he shall by and with the advice and approval of the supervisor apportion such road hands for each section as to the amount and character of work to be done on such section as may be necessary, and he shall deliver a list of such road hands to such overseer and keep a duplicate list for filing in the office of said supervisor and to there be for ready reference.

Sec. 7. That it shall be the duty of said supervisor to cause each overseer to take and subscribe in writing

on oath that he will faithfully perform the duties of overseer, which oath may be administered by said supervisor or enumerator and shall be filed in the office of the judge of probate. To each overseer so appointed the said supervisor shall deliver a commission setting forth the section or sections over which he has been appointed, together with the grade of the road or roads of each section. Provided that when a vacancy occurs in the office of the overseer, from whatever cause, the same shall be filled by said supervisor, and provided further that said supervisor may at any time remove any overseer for neglect, failure or refusal to perform his duties or for drunkenness while discharging the duties of his office.

Sec. 8. That said supervisor shall personally inspect the public roads in the county at least once each year, and in making such inspection when practicable shall be accompanied by the overseer of the section, and he shall make such suggestions and give such directions as to changing road beds, establishing, repairing, improving and working the public roads, in building and repairing and maintaining bridges and culverts as he may deem proper. He shall make full reports of the condition of the public roads, and the manner in which any contracts have been or are being executed to the court of county commissioners at the February, May, August and November terms of said court in each year, and such special reports as said court may call for at other times.

Sec. 9. That each enumerator hereinbefore provided for shall immediately after the first day of January of each year make a thorough and complete canvass of his precinct taking down the names and ages of all male inhabitants of the precinct over twenty-one and under forty-five years of age residing in said precinct and entering opposite each name so enrolled the name or location of the farm on which he resides or the location of the house in which he dwells and the name of the public road nearest to his dwelling place. The said enrollment book shall be written in a plain, legible manner with ink, and upon the completion of the en-

rollment be at once filed in the office of the probate judge, or delivered to the supervisor.

Sec. 10. That said enumerator shall have authority to administer oaths and in making his enrollment of roads hands, or at any time when it may be necessary to list persons for road service, if the person proposed to be listed shall claim to be over forty-five or under twenty-one years of age, the said enumerator may take the affidavit of such person or any person so proposed to be listed which affidavit shall be in writing and subscribed by the affiant and the same shall be preserved and filed by such enumerator in the office of the probate judge, except in cases when he has cause to believe that perjury has been committed when he shall return such affidavit to the next grand jury; provided, that in listing persons for road duty no person who shall have a certificate of exemption from the county medical board, shall be listed for the road service when ordered if such disability be permanent and so state in the certificate.

Sec. 11. That each enumerator herein provided for shall be exempt from further road service during the years he so serves, and shall receive the sum of ten dollars per year during the time he serves. Provided, that such enumerator shall hold office at the will of the supervisor, and may be removed by him at any time for neglect or failure to perform his duties, or for partiality or favoritism shown therein, and upon removal shall be subject to enrollment as a road hand.

Sec. 12. That in the appointment of overseers the enumerator is not restricted to persons who are subject to road duty under this act, and it shall be the duty of each overseer to make quarterly reports to the supervisor of any and all moneys received by him from hands in commutation of labor, the name of the person from who received and when and for what paid, and shall pay over the same to the county treasurer, taking his receipt therefor, to be credited by him on the books of the road fund of the county; and it shall be the duty of the commissioners' court as far as practicable to appropriate an amount at least equal to such funds for

the working or maintenance of the respective roads to which the hands paying the same were apportioned. Any overseer appropriating for his own use any money paid to him in commutation of labor shall be guilty of embezzlement and shall be liable to criminal prosecution therefor as provided by law in such cases.

~~Sec. 13. That all persons subject to road duty under the general laws of the State shall be required to work upon the public dirt roads of said county for not less than six days in each year, or instead thereof, shall pay the sum of three dollars annually or may pay a part in money and a part in labor at fifty cents per day to be collected as hereinafter provided.~~

Sec. 14. That whenever an overseer shall determine that a dirt road needs repairing or working, or when the supervisor shall so direct, he shall call out such hands as have been listed to him he may deem sufficient in number to work or repair said road but may take instead thereof fifty cents per day for each days work for which each hand is called at the option of the hand and if any hand shall fail or refuse to work or pay fifty cents for each day he shall fail or refuse to work it shall be the duty of the overseer, after five days from the warning to work was given, to return each and every hand so failing or refusing to a justice of the peace of the county or to the judge of the inferior court of Huntsville, Alabama, and such road hand shall be proceeded against as a road defaulter under the general road laws of the state. The overseers shall report under oath to the supervisors what road hands worked and how long, what road hands paid and how much; and what road hands neither worked nor paid.

Sec. 15. That a day's work for road hands under this act shall be ten hours of actual service and the warning of hands shall be made in accordance with the general laws of the State, but no farm hand or person engaged in farming shall be required to work except between January first, and March first, and July fifteenth and September fifteen, except in opening new roads as now provided by law or, for the removal of any obstruction or other casualty or great need that

prevents travel. No hand shall be required to go more than six miles from his residence in working the public roads.

Sec. 16. That when a road hand listed to an overseer, who has performed part of his road service removes from a precinct it shall be the duty of the overseer to furnish him on demand a written certificate showing the time he has served during the calendar year, which certificate shall be an exemption to such hand to the extent of the time worked from road service in any other precinct in the county to which he may remove.

Sec. 17. The supervisor shall let all repairing, keeping in order, building or constructing of all macadamized and graveled roads and public bridges, except emergency repairs at less than twenty-five dollars in value at public outcry to the lowest responsible bidder upon such notice and at such place within the county the commissioners' court may prescribe. All work shall be done in accordance with full and accurate specifications to be furnished by the supervisor. Each contractor shall give bond to be approved by the judge of probate for the faithful performance of his contract equal to the amount he is to receive for the work undertaken by him, when such work is finished it shall be examined by the supervisor and approved by him he shall give the contractor an order on the commissioners' court for the amount of his contract which shall be paid by warrant drawn by the probate judge on the road fund of the county. The supervisor shall have the right, if he thinks the bids for work on such roads too high, to reject any and all bids made. In this event he shall re-advertise for bids for such work, and if in his judgment all bids are still too high, he shall have the right to reject them, and the commissioners' court shall then order such work to be done by said supervisor. A careful account of the cost of such work so done by the supervisor shall be kept and filed with the probate judge and shall be open to the inspection of the public.

Sec. 18. Whenever a new pike or gravel roads is built a dirt road of equal dimensions and flush there-

with shall also be constructed, along with it if practicable.

Sec. 19. Persons hauling logs lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county shall pay a license of two and one-half dollars per month for each two horse wagon and five dollars per month for each four horse wagon so used in such hauling. It is not intended hereby to require a license for private hauling connected with or usual to the ordinary operation of a farm. Such license to be issued by the judge of probate. The proceeds thereof to be paid into the road fund of the county. For issuing each license the judge shall be entitled to a fee of twenty-five cents to be paid by the party procuring the license. It shall be unlawful to do the hauling herein forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars, to be paid in lawful money, which fine when collected shall be paid over to the road supervisor as part of the road fund.

Sec. 20. That the overseer of the roaders appointed under this act shall receive two dollars a day, each during the time they are actually engaged in working said roads.

Sec. 21. That all male inhabitants of the county between the ages of twenty-one and sixty-five years are subject to road duty under this act as enumerators or overseers.

Sec. 22. That whenever it can be done it is the duty of the supervisor to have the roads worked by the overseers, at such time as the implements bought and furnished by the county may be used first by one overseer and then by the other, so that such implements bought and furnished by the county may be used by all the overseers as much as possible.

Sec. 23. That any overseer or enumerator who fails to perform his duty as such under the provisions of

this act shall be liable to prosecution and fined on conviction not less than ten dollars nor more than fifty dollars.

Sec. 24. That the supervisor of roads shall be under the control and direction of the commissioners' court or the county who shall require him to devote his entire time to the public roads and bridges of the county, and he shall be furnished with all necessary stationery and blanks for the use of his office; and that he shall keep such books and accounts, lists of overseers, enumerators and road hands as to show all transactions pertaining to the establishment, working, repairing and maintenance of the public roads and bridges and shall be provided with a desk and office in the court house in which to keep his books and other papers pertaining to his office.

Sec. 25. It shall be the duty of every person, firm, or corporation employing hands, to furnish the supervisor, upon his application, a list of male hands in their employ and failing so to do, such person, firm or corporation shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars.

Sec. 26. That it shall be the duty of the court of county commissioners of Madison county to have this act printed for use of said court and other courts of the county and for the officers herein named.

Sec. 27. That the court of county commissioners shall have full power and authority to make and establish such rules and regulations not in conflict with this act, as it may deem necessary for the proper establishing, working, maintaining and repairing the public roads, bridges, and culverts of said county and for requiring all persons charged with any duty, power or liability under this act, a rigid performance thereof. Justices of the peace and the judge of the inferior court of Huntsville, Alabama, shall have jurisdiction of the offense here created for violations of the provisions of this act.

Sec. 28. The present macadamized and graveled roads of the county shall be first put in condition, that

they may be saved and kept before any new ones are built.

Sec. 29. This act shall take effect immediately on its approval and all laws and parts of laws in conflict with any of its provisions are hereby repealed.

State of Alabama, }
Madison county. }

Before me, Rachel Tomlinson, a notary public, in and for said county and State, this day personally appeared R. L. O'Neal, who being duly sworn, deposes and says, that he is the president and general manager of The Mercury Publishing Company, a corporation under the laws of Alabama, publishing a weekly newspaper at Huntsville, in said State and county, known and designated as "The Weekly Mercury," that the notice appended hereto was published once a week for four consecutive weeks in said newspaper to wit: in the issues of January 11th, 18th, 25th, and February 1st, 1911.

R. L. O'Neal,

Sworn to and subscribed before me this the 20th day of February, 1911.

Rachel Tomlinson,
Notary Public.

By Mr. Kilby (by request):

S. 312. To amend section 3164 of the code of Alabama of 1907.

Judiciary.

By Mr. Justice:

S. 313. To amend section 6572 of the code of Alabama.

Judiciary.

By Mr. Stokes:

S. 314. To define the corporate limits of the town of Ariton, Dale county, Alabama.

Municipalities and Municipal Organizations.

With notice and proof, as follows:

NOTICE.

State of Alabama, }
 Dale County. }

Notice is hereby given that a local bill will be introduced at the present Legislature of the State of Alabama, for the purpose of changing the incorporate limits of Arifton, in said State and county, from one and one-half miles running each way from the old public well, to one mile each way, from the said old public well, thereby making the radius of the said incorporate limits one mile instead of one and one-half miles from the said old public well.

This the 23rd day of Jan. 1911.

G. W. Bray, Mayor,
 A. N. Fain, Clerk.

State of Alabama, }
 Montgomery County. }

Before me, Mrs. Mary F. Williams, a notary public, in and for said State and county, personally appeared John Q. Adams, who being first duly sworn, doth depose and say that he is one of the editors and publishers of The Southern Star, a newspaper, published weekly in Dale county, Alabama, at Ozark; that said newspaper has general circulation; and that the foregoing notice appeared in said paper for four consecutive weeks on the following dates: January 25th, February 1st, February 8th, and February 15th, 1911.

John Q. Adams,

Subscribed and sworn to before me this the 23rd day of February, 1911.

Mary F. Williams,
 Notary Public, Montgomery County, Alabama.

By Mr. Fite:

S. 315. To amend an act approved August 26th, 1909, amending section 1182 of the code of Alabama.
 Judiciary.

By Mr. Screws:

S. 316. To provide for the examination of plumbers and to establish a board therefor, and to regulate the business of installing sanitary plumbing and supervising and inspecting plumbing in cities or towns of this State, having a population of twenty-five thousand inhabitants or more, according to the Federal census of 1910, or any subsequent Federal census, and to provide penalties for the violation of this act.

Revision of Laws.

By Mr. Fite:

S. 317. To prohibit the sale or offering for sale of any stock or interest in any proposed corporation or stock company at a price in excess of the par value thereof before such corporation or stock company has been duly incorporated or organized and qualified to do business under the laws of this State, to fix a penalty therefor, and declare such sale void; and repealing all laws, general, local or special, in conflict herewith.

Judiciary.

By Mr. Sprott:

S. 318. To amend section 4480 of the code of 1907.

Judiciary.

REPORTS OF COMMITTEES.

- Mr. Beasley, chairman of the standing committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

S. 301. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

By Mr. Horton:

H. 425. To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Espy:

S. 225. To define the governing body, and the method of the exercise of legislative functions by the same, in cities of less than six thousand population, and in towns.

By Mr. Curry:

S. 239. To amend section 1128 of the code of Alabama.

Mr. Atkins, chairman of the standing committee on Fees and Salaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit.

By Mr. Knight:

H. 309. To better enforce the collection of license tax in this State, and require the several sheriffs and probate judges, in counties in which there are no county tax commissioners to perform certain duties in relation to the collection of said tax.

By Mr. Stollenwerck:

H. 321. To amend an act entitled an act "to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor of said county, prescribing his duties, fixing his salary and providing for the method of selection for said office," so as to read as follows:

By Mr. Brewer:

H. 252. To amend section 6573 of the code of Alabama of 1907.

By Mr. Lavender:

H. 242. To fix the compensation of the sheriff of Bibb county Alabama, for transferring prisoners from the county jail of Bibb county, Alabama, at Centerville,

to the county court of Bibb county, Alabama, at Blocton, Alabama, for trial, and for transferring prisoners from the county court of Bibb county, Alabama, at Blocton, Alabama, to the county jail of Bibb county, Alabama at Centerville.

~~Mr. Spragins, chairman of the standing committee on Corporations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:~~

By Mr. Morrow:

S. 268. To amend section 3499 of the code.

By Mr. Pegram:

H. 516. To amend sections 3615 and 3625, code of Alabama, 1907.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite:

S. 300. To provide for the registration and lien of judgments for the payment of money in the courts of justices of the peace, and notary public with powers of justice of the peace, and providing for the issuing of executions on such registered judgments, in Franklin county, Alabama; and repealing all laws in conflict therewith.

Mr. Justice, chairman of the standing committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stevens:

S. 264. To amend sections 8 and 11 of an act of the Legislature of Alabama, entitled "an act to regulate

the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act, approved August 26th, 1909."

By Mr. Stevens (with substitute):

S. 193. Requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns, to be slaughtered at a public abattoir.

Mr. Merrill, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Beasley:

S. 211. To authorize and permit common carriers to issue "passes" or free transportation to the commissioner of agriculture and industries, the clerks in the department of agriculture and industries, State and federal farm demonstration agents, agriculturists engaged in agricultural experimental work and the holding of the Farmers' institutes and in conducting educational campaigns against the boll weevil and other pests.

By Mr. Green:

H. 147. To amend section 7692 of the code of Alabama of 1907.

ADVERSE REPORT.

Mr. Spragins, chairman of the standing committee on Corporations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Morrow:

S. 282. To amend sections 3615 and 3625, code of Alabama, 1907.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bill:

S. 130. To amend section 1251 of the code.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 340. To declare the 12th day of October a legal holiday to be known as "Columbus Day."

H. 491. To regulate the cancellation and satisfaction of record of conveyances of real estate by deeds of trust, mortgages, and instruments in the nature thereof, and to require the several judges of probate to keep a record of powers of attorneys authorizing the cancellation of such instruments.

H. 283. To amend sections 28, 29 and 32 of the code of Alabama, 1907.

And send the same herewith to the Senate.

Also:

H. 424. To prescribe the duties of the tax assessor and tax collector in assessing and collecting the taxes in Cullman county, Alabama.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

AN ACT.

To prescribe the duties of the tax assessor and tax collector in assessing and collecting the taxes in Cullman county, Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That the tax assessor and tax collector of Cullman county, Alabama, shall not be required to attend at any voting place in any election precinct in said Cullman county, Alabama as is now required by law and said tax assessor and tax collector are hereby relieved from making any visits or trips in any voting precinct or other place in said county for the purpose of assessing and collecting taxes, but the said tax collector and tax assessors are required to keep their office open in the court house of Cullman county, Alabama, for the purpose of assessing and collecting taxes six months in each year, said term to begin on the first day of October in each year and to close on the first day of April in each year.

Sec. 2. *Be it further enacted*, That all laws and parts of laws either local, special or general, be and the same are hereby repealed.

State of Alabama, }
Cullman County. }

Before me, Asa B. Fuller, a register in chancery in and for said county and State, personally appeared Joseph R. Rosson, publisher of The Cullman Democrat, a weekly newspaper, published in Cullman, Cullman county, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: January 12th, 19th, 26th; February 2nd, 1911.

(Signed) J. R. Rosson,
Publisher.

Sworn to and subscribed before me this the 30th day of January, 1911.

Asa B. Fuller,
Register in Chancery.
W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 340, To Judiciary.

~~H. 491, To Revision of Laws.~~

H. 283, To Agriculture.

H. 424, To Local Legislation.

MESSAGE FROM THE GOVERNOR.

February 23rd, 1911.

To the Senate:

I herewith return Senate bill 141, without my approval, and suggest the following amendments to meet my objections:

Amend the title of said act so that the title shall read as follows: "An act to provide for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen."

Amend section 1 of said act by inserting after the word "railway" the following other words: "or street railway;" and by striking out from the said section the following words: "and any other public service corporation," and by striking out the word "persons" where it occurs in said section and inserting in lieu thereof the following words: "number of its agents, servants or employees."

Amend section 2 of said act by inserting after the word "person" in line two of said section the following words: "if he sees proper, in his discretion, to make any appointment under the provisions of this act." And at the end of said section 2 add the following other words: "Provided, that the authority of any person appointed under the provisions of this act to act as such policeman shall immediately cease whenever such person ceases to be an agent, servant or employee of the corporation applying for his appointment under section 1 of this act."

Amend Sec. 3 of said act by adding after the word "policeman" in the ninth (9) line of said section, the following words: "while acting for and in the capacity of agent, servant or employee of said company." By striking out the words "five hundred" where they occur in said section and inserting in lieu thereof the words "twenty-five hundred." And at the end of said Sec. 3, add the following other words: "And provided further, that the corporation or company which applied for the appointment of such policeman as provided in section 1 of this act, shall be liable in damages for all of the torts, acts of negligence or misconduct of said policeman or policemen to the same extent as for torts, acts of negligence or misconduct committed by any of its other agents, servants or employees."

Amend section 4 by striking out the word "employed" in the last line of said section and inserting in lieu thereof the word "acting." And by adding at the end of said section the following words: "Provided, that such railway policemen shall have no authority to make any arrest for any offense whatever when not on the cars or premises of the corporation upon whose petition he was appointed, except upon a warrant issued by an officer authorized by law to issue warrants, and no such warrant shall be issued by any officer except upon a complaint verified by affidavit charging the party to be arrested with the commission of a criminal offense."

Further amend the bill by striking out Sec. 6½ from the bill.

Emmet O'Neal,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Merrill, the Senate adopted and concurred in the proposed amendments by the governor to Senate bill 141, the title of which and the proposed amendments thereto are set out in the foregoing message from the governor.

Yeas, 24; nays, 1.

Yeas:

Messrs.	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Sherrod
Beasley	Merrill	Spragins
Crumpton	Moody	Sprott
Curry	Nance	Stokes
Espy	Norman	Tunstall
Fite		

—24

Nays: Mr. Sloan.—1.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

Whereas the Mobile Carnival Association has extended to the House of Representatives and Senate of Alabama, an invitation to visit the city of Mobile during the carnival of 1911, February 26th, 27th, and 28th and,

Whereas a large number of the members of the House of Representatives and the Senate of Alabama are desirous of visiting the city of Mobile on said occasion,

Be it resolved by the House of Representatives, the Senate concurring, That when the Senate and House of Representatives adjourn on Saturday, February 25th, 1911, they stay adjourned until Wednesday, March 1st, 1911, at 11 o'clock.

And send same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Frazer, the rules were suspended and the House joint resolution set out in the foregoing

message from the House was unanimously concurred in and adopted.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bills:

S. 29. An act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence county, Alabama, for the benefit of free public schools in township seven, range nine west, in said county and to repeal an act entitled, "an act to regulate the disposition and management of a bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in Township Seven, Range Nine West, in said county," approved December 11th, 1873, and to repeal an act entitled "An Act to amend an Act to regulate the disposition and management of the bequest made by James Wallace, late of Lawrence County, Alabama, for the benefit of free public schools in township seven, range nine west, in said county, approved December 11th, 1873," approved February 18th, 1895.

S. 6. An act to prohibit anyone knowingly, and with the intent to injure or defraud, issuing checks or orders upon banks or other persons when the makers of such order or checks have not sufficient funds on deposit with the drawee to pay such order and to provide punishment therefor.

S. 120. An act to amend section 1 of an act entitled an act "to provide for the creation of the office of auditor of Jefferson county, and to define the powers and duties thereof, and the manner of appointment and election to office."

S. 94. An act to amend section 1803 (3665) of the code of Alabama.

S. 36. An act to amend section 2296 of the code of 1907.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled bills.

~~The reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.~~

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 536. To make further provisions for paying the per diem and mileage of the members and officers and the expenses of the Legislature.

And sends the same forthwith to the Senate without engrossment.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 536, To Finance and Taxation.

JOINT RESOLUTIONS.

Mr. Sprott offered the following joint resolution:

S. J. R. 55. Resolved by the Senate, the House concurring, That when the Senate adjourns on March 3rd, 1911, that it stands adjourned until Tuesday, July 11, 1911, at noon.

Resolved that the presiding officers of the Senate and House be and they are hereby authorized to appoint committees to sit during said recess, to prepare

bills of such subjects as they may deem necessary and important to be submitted to the Legislature when it reassembles.

Which was read one time and referred to the committee on Rules, a standing committee of the Senate.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following House joint resolution 61, and ordered same returned to the Senate with a favorable report, and upon his motion said report was concurred in and H. J. H. 6., was adopted.

Mr. Sherrod moved that the Senate reconsider the vote by which the Senate adopted H. J. R. 61.

Mr. Tunstall moved that the consideration of Mr. Sherrods motion be postponed until tomorrow morning which motion prevailed.

BILLS ON THIRD READING.

The bill:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and all recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

Was taken up.

The following amendment offered by the committee:

Amend section eleven (11) by inserting between the word "shall" and the words "have been chosen or nomi-

nated" where said words appear together in said section the words "with his consent or procurement."

Was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs.:	Fite	Plowman
Morrow, Pres. Pro tem	Frazer	Renfro
Allen	Godbold	Rogers
Atkins	Justice	Sherrod
Beasley	Kilby	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stokes
Curry	Nance	Tunstall
Espy	Norman	

—28

Nays, 0.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Spragins
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moody	Stokes
Crumpton	Nance	Tunstall
Fite	Norman	Vaiden

—26

Nays, 0.

UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of the 26th legislative day.

Which was:

S. 102. To amend section 731 of the code.

And the same was read a third time at length and passed.

Yeas, 19; nays, 2.

Yeas:

Messrs.	Frazer	Rogers
Allen	Godbold	Screws
Atkins	Merrill	Sherrod
Brown, C. W.	Miller	Stokes
Brown, W. T.	Moulthrop	Tunstall
Curry	Nance	Vaiden
Espy	Norman	

—19

Nays: Messrs. Spragins, Sprott.—2.

BILLS ON THIRD READING RESUMED.

The Bill:

✓ H. 227. To amend section 7325 (5050) (3790) (4360) (4361) (3708) (162) of the code of Alabama of 1907.

Was taken up.

Mr. Nance offered the following amendment to the following bill to-wit:

Amend by striking out the word "that" in the first line of section 1, and inserting in lieu thereof the following:

"That section 7325 (5050) (3790) (4360) (4361) (3708) (162) of the code of Alabama of 1907, be amended so as to read as follows: Section 7325 (5050) (3790) (4360) (4361) (3708) (162) petit larceny."

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Brown, W. T.	Godbold
Morrow, Pres. Pro tem	Curry	Justice
Allen	Espy	Kilby
Atkins	Fite	Lovellace
Brown, C. W.	Frazer	Merrill

Moody	Plowman	Spragins
Moulthrop	Renfro	Stokes
Nance	Screws	Tunstall
Norman	Sherrod	Vaiden

—26

Nays, 0.

Mr. Brown offered the following amendment:

Insert after the word "dog" the words "of registration value."

On motion of Mr. Screws was laid upon the table.

Mr. Spragins offered the following amendment to the said bill:

To amend by striking out the following words, the last in the bill: "And on conviction must be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months and may also be fined not more than five hundred dollars, at the discretion of the jury" and inserting in lieu thereof the following: "And on conviction must be fined not more than five hundred dollars at the discretion of the jury, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months."

Which was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs.:	Justice	Plowman
Atkins	Kilby	Renfro
Beasley	Merrill	Rogers
Brown, W. T.	Miller	Sherrod
Crumpton	Moody	Spragins
Curry	Moulthrop	Sprott
Espy	Nance	Stokes
Frazer	Norman	Tunstall

—23

Nays: Mr. Fite.—1.

And said bill as thus amended was read a third time at length and passed.

Yeas, 23; nays, 2.

Yeas:

Messrs.:	Fite	Nance
Atkins	Frazer	Norman
Beasley	Godbold	Plowman
Brown, C. W.	Justice	Renfro
Brown, W. T.	Merrill	Rogers
Crumpton	Miller	Sherrod
Curry	Moody	Spragins
Espy	Moulthrop	Stokes

—23

Nays: Messrs. Morrow and Allen.—2.

The Bill:

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of the several counties of the State, except certain classes, and to prevent the hiring of such convicts to private persons or to corporations; and to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

Was read a third time at length and passed.

Yeas, 12; nays, 9.

Yeas:

Messrs.	Fite	Norman
Allen	Kilby	Screws
Atkins	Miller	Sprott
Brown, C. W.	Moulthrop	Stokes
Espy		

—12

Nays:

Messrs.	Lovellace	Renfro
Morrow, Pres. Pro tem	Nance	Sherrod
Crumpton	Plowman	Spragins
Godbold		

—9

The bill:

S. 297. To establish an inferior court of record for Franklin county; to prescribe and define the jurisdiction thereof, and to provide for the officers thereof.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Fite	Norman
Morrow, Pres. Pro tem	Frazer	Plowman
Allen	Justice	Rogers
Atkins	Kilby	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Crumpton	Moody	Sprott
Curry	Nance	Stokes
Espy		

—24

Nays, 0.

The bill:

H. 151. To repeal section 14 and to amend sections 15 and 16 of an act approved August 19, 1909, providing for the construction, maintenance, improvement and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Morrow, Pres. Pro tem	Justice	Renfro
Allen	Merrill	Rogers
Atkins	Moody	Sherrod
Curry	Moulthrop	Sloan
Espy	Nance	Sprott
Fite	Norman	Stokes
Frazer		

—21

Nays, 0.

The bill:

S. 293. To establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Espy	Moulthrop
Morrow, Pres. Pro tem	Fite	Nance
Allen	Frazer	Renfro
Atkins	Godbold	Rogers
Beasley	Justice	Sherrod
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Curry	Moody	Stokes

—23

Nays, 0.

The bill:

S. 197. To authorize any city within this State having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such construction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, viaducts or bridges as may be found and declared by the City Council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, though dedicated, the opening and use of which may be found and declared by the City Council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the vacation of which may be called for by any such contract.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Frazer	Norman
Morrow	Pres. Pro tem Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moulthrop	Stokes
Espy	Nance	Tunstall

—22

Nays, 0.

The bill:

S. 126. To allow Courts of County Commissioners and Boards of Revenue of the several counties of the State to appropriate money out of the common county funds for the repayment of money actually spent by the Judges of Probate for postage stamps used for official business.

Was taken up.

Mr. Sherrod offered the following amendment to said bill:

Amend bill by adding the following at the end of section 1, of said bill: "Provided that the provisions of this act shall apply to expenditures made by such probate judges, only after the passage and approval of this act."

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Kilby	Sherrod
Atkins	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Espy	Moody	Sprott
Fite	Renfro	Stokes
Frazer	Rogers	Tunstall
Godbold	Screws	Vaiden
Justice		

—21

Nays, 0.

And said bill as thus amended was read a third time and passed.

Yeas, 18; nays, 3.

Yeas:

Messrs.:	Frazer	Screws
Morrow, Pres. Pro tem	Godbold	Sherrod
Atkins	Merrill	Sprott
Beasley	Moody	Stokes
Brown, C. W.	Nance	Tunstall
Curry	Renfro	Vaiden
Espy		

—18

Nays: Messrs. Fite, Sloan and Spragins.—3.

RECESS.

At 1:15 o'clock p. m. on motion of Mr. Sprott, the Senate recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The Senate re-assembled at 3:00 o'clock p. m.

On a call of the roll eighteen Senators answered to their names, which was a majority of those elected to the Senate.

BILLS ON THIRD READING.

The bill:

S. 176. To provide a manner of selling all of the property of a private corporation.

Was taken up and was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Atkins	Crumpton
Morrow, Pres. Pro tem	Beasley	Godbold
Allen	Brown, C. W.	Kilby

Merrill	Plowman	Spragins
Miller	Renfro	Sprott
Moody	Rogers	Stokes
Nance	Sherrod	Tunstall
Norman	Sloan	

—22

Nays, 0.

Mr. Sherrod moved that the roll of the Senate be called and that each Senator be allowed to call up one local bill during the afternoon session, which motion prevailed.

The Bill:

S. 215. To amend section 3241 of the 1907 code of Alabama.

Was, by Mr. Fite, after having procured the unanimous consent of the Senate.

Read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Godbold	Rogers
Allen	Justice	Sherrod
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, C. W.	Miller	Sprott
Curry	Nance	Stokes
Espy	Norman	Tunstall
Fite	Plowman	Vaiden
Frazer	Renfro	

—25

Nays, 0.

The unanimous consent of the Senate having been first procured, Mr. Allen called up:

The bill:

S. 243. To amend section 3043 of the code of Alabama, 1907, so as to change the time of holding some of the courts in the counties in the northern division of Alabama.

Which was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Godbold	Renfro
Allen	Kilby	Rogers
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Brown, W. T.	Nance	Sprott
Fite	Norman	Stokes
Frazer	Plowman	Vaiden

—20

Nays, 0.

The bill:

S. 275. To repeal the act of the Legislature of Alabama 1900-01, page 688, approved December 13, 1900, providing for the trial of misdemeanors in the County Court of Fayette County, Alabama, and to provide for the transfer of all cases which have been transferred from the Circuit Court of said county to said county court, together with all papers, records and everything pertaining to said cases, by the clerk of said county court back to the circuit court of said county for trial in said circuit court.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Curry	Moody	Sprott
Espy	Nance	Stevens
Fite	Norman	Vaiden

—23

Nays, 0.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows:

By Mr. Spragins:

S. 319. To make a note or other written security given in this State in the purchase of a patent right, or any interest therein, subject in the hand of any holder or assignee to all the legal and equitable defenses to which it was subject in the hand of the original payee, ~~when the fact that it was given in such purchase ap-~~ appears on its face, and to make it unlawful for any person, either in his own behalf or in a representative capacity, to take or receive for the sale of a patent right, or any interest therein a note or other written security given for such right or any interest therein unless it shall clearly appear upon the face of the note or other security that the same is given in the purchase of a patent right or an interest therein; and to provide penalties for the violations of the provisions hereof.

Corporations.

By Mr. Allen:

S. 320. To amend section 5644 of the code of Alabama.

Commerce and Common Carriers.

By Mr. Sprott:

S. 321. To appropriate the two and three per cent. funds in the treasury of Alabama to the Alabama, Tennessee & Northern Railroad Company.

Commerce and Common Carriers.

By Mr. Beasley:

S. 322. To amend section 3720.

Revision of Laws.

By Mr. Beasley:

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a person, when necessary, to enforce the same, and prescribing his duties, compensation and to make appropriations therefor.

Mining and Manufacturing.

REPORTS OF COMMITTEES.

Mr. Moody, chairman of the standing committee on Temperance, reported that said committee, in session,

had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Spragins (notice and proof):

S. 304. To establish, maintain, regulate and make efficient a dispensary for Madison county Alabama, located in the city of Huntsville.

By Mr. Spragins (notice and proof):

S. 305. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1911, except in the dispensary for said county, located in the city of Huntsville.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 456. To amend an act to establish a county court for the county of Clay approved December 13, 1898, and amended March 2nd, 1901, and August 6th, 1907.

And ordered the same sent to the Senate without engrossment.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 456, To Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 221. To amend section 3240 of the code of Alabama of 1907, tenth circuit; times and places of holding court, by changing the time of holding said courts. And return same herewith to the Senate.

W. F. Herbert,
Clerk.

~~HOUSE MESSAGE~~

On motion of Mr. Morrow, the Senate concurred in the following amendment by the House to Senate bill 221, the title of which is set out in the foregoing message from the House, to-wit:

Amend by striking out the words: "Be it further enacted" where said words appear together in the second and third sections of said bill.

Yeas, 21; nays, 0.

Yeas

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Justice	Renfro
Allen	Merrill	Rogers
Atkins	Miller	Sherrod
Beasley	Moulthrop	Sloan
Brown, C. W.	Nance	Stokes
Crumpton	Norman	Vaiden
Fite		

—21

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bills:

S. 220. To amend Section (4) of an act entitled an act "To further regulate the City Court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and reg-

ister thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court"; approved February 26, 1907, by substituting in lieu of said Section (4) other provisions relating to the time of holding said court; the term thereof, and the trial of causes in said court.

S. 232. To require the county solicitor of Hale county, Alabama, to attend the terms of the law and equity court of Hale county, Alabama, and to prosecute all criminal causes pending therein.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate concurred in the following amendment by the House to Senate bill 232, the title of which is set out in the foregoing message from the House, to-wit:

Amend Senate bill 232, by adding to the title of said bill the following words, "and to provide for the disposition of the solicitor's fees earned, assessed and collected upon convictions in said court."

Yeas, 24; nays, 0.

Yeas:

Messrs.	Godbold	Plowman
Morrow, Pres. Pro tem	Justice	Renfro
Allen	Kilby	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Sprott
Brown, C. W.	Moulthrop	Stokes
Crumpton	Nance	Tunstall
Fite	Norman	Vaiden
Frazer		

—24

Nays, 0.

And,

On motion of Mr. Morrow, the Senate concurred in the following amendment by the House to Senate bill

220, the title of which is set out in the foregoing message from the House, to-wit:

Strike out the words "Be it further enacted" where said words appear together immediately after the words "in the custody of the clerk and register" where said words last appear together therein, and insert in lieu thereof the following words, to-wit:

~~Section 2.~~

Amend further by striking out the words "and be it further enacted" where said words last appear together immediately after the words "are hereby repealed" where said words last appear together therein, and inserting in lieu thereof the words "section 3."

Amend further by making a paragraph immediately before the amended words "Section 2" and "Section 3."

Amend further by adding the words "Section 1" immediately before the words "Be it enacted by the Legislature of Alabama" where said words first appear together in said bill.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Moulthrop	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Merrill	Sherrod
Atkins	Miller	Sloan
Beasley	Moulthrop	Sprott
Brown, C. W.	Nance	Stokes
Crumpton	Norman	Vaiden
Frazer	Plowman	

—22

Nays, 0.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bill:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or

which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last federal census, or any federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by his excellency, the governor to:

S. 141. To provide for the appointment of railway policemen and public service corporation policemen; to prescribe their duties and compensation.

Yeas, 74; nays, 0.

Which was a majority of the whole number elected to the House.

W. F. Herbert,
Clerk.

BILLS ON THIRD READING RESUMED.

Mr. Frazer, after having first procured the unanimous consent of the Senate, called up:

S. 191. To amend Section 2 of an act, entitled "An Act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies," Approved August 17, 1909.

To which bill Mr. Frazer offered the following amendment, to-wit:

Amend section 1 of said bill by striking out the words "the above entitled act" and inserting in lieu thereof the following words: "An act entitled 'an act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies' approved August 17th, 1909."

Which was adopted.

Yeas, 22; nays, 1.

Yeas:

Messrs.:	Justice	Rogers
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, C. W.	Miller	Sprott
Curry	Moulthrop	Stokes
Fite	Nance	Tunstall
Frazer	Norman	Vaiden
Godbold	Plowman	

Nay: Mr. Renfro.—1.

Mr. Frazer thereupon offered the following amendment, to-wit:

Amend section 2 of said bill by striking out the words "said section 2, as amended" and inserting in lieu thereof the following words: "This bill."

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Allen	Justice	Rogers
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, W. T.	Miller	Stokes
Crumpton	Moulthrop	Tunstall
Fite	Nance	Vaiden
Folmar	Norman	

—22

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; nays, 0.

Nays:

Messrs.	Kilby	Renfro
Atkins	Lovellace	Rogers
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Crumpton	Moulthrop	Sprott
Fite	Nance	Stokes
Frazer	Norman	Tunstall
Godbold	Plowman	Vaiden
Justice		

—24

Nays, 0.

Mr. Atkins, after first having procured the unanimous consent of the Senate, called up:

The bill:

S. 212. To provide for refunding privilege taxes erroneously collected and to make the necessary appropriation therefor.

Which was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Godbold	Sherrod
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, C. W.	Miller	Sprott
Crumpton	Moulthrop	Stokes
Fite	Nance	Vaiden
Frazer	Plowman	

—19

Nays, 0.

The bill:

S.294. To ratify, confirm and legalize all acts and order of the Court of County Commissioners of Wilcox County in the payment of Road Overseers, appointed under the official road law of said county, approved July 25th, 1907; To ratify and legalize the payment of the Convict Agent appointed by said Court; to ratify and legalize the hiring of teams by said overseers appointed under said act; and to legalize the payment of all warrants and orders of said Court by the treasurer of said county pertaining to said road law.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, C. W.	Miller	Sprott
Crumpton	Moulthrop	Stokes
Curry	Nance	Tunstall
Fite	Norman	Vaiden
Frazer		

—24

Nays, 0.

The bill:

S. 298. To regulate the practice in the circuit court of Cleburne county.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Sprott
Crumpton	Moody	Stokes
Curry	Norman	Tunstall
Fite	Plowman	Vaiden
Frazer		

—24

Nays, 0.

The bill:

S. 295. To provide that all claims which are payable out of the fine and forfeiture fund of Wilcox County shall, in future, be paid out of the general fund of said county, and to fix the amount or percentage, of said claims which will be so paid, and to regulate the payment of same.

Was read a third time at length and passed.

Yeas 23; nays, 0.

Yeas:

Messrs.:	Godbold	Renfro
Atkins	Justice	Rogers
Beasley	Kilby	Sherrod
Brown, C. W.	Merrill	Sloan
Crumpton	Miller	Sprott
Curry	Moulthrop	Stokes
Fite	Nance	Tunstall
Frazer	Plowman	Vaiden

—23

Nays, 0.

The bill:

H. 142. To amend section 3 of an act entitled an act "to create and establish the Marengo law and equity court for Marengo county," approved August 26, 1909.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.	Justice	Renfro
Allen	Kilby	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moody	Sprott
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Frazer	Norman	Vaiden
Godbold	Plowman	

—25

Nays, 0.

Mr. Stokes, after having first procured unanimous consent of the Senate, called up:

The Bill:

S. 269. To protect livery stable keepers.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Frazer	Renfro
Allen	Godbold	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moulthrop	Sprott
Crumpton	Nance	Stokes
Espy	Norman	Vaiden
Fite	Plowman	

—22

Nays, 0.

The bill:

S. 166. To amend an act "to establish a county court for the county of Clay," approved December 13,

1898, (and amended March 2, 1901 and August 6, 1907).

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Godbold	Renfro
Morrow Pres.Pro tem	Justice	Sherrod
Allen	Merrill	Sloan
Atkins	Miller	Sprott
Beasley	Moulthrop	Stokes
Brown, C. W.	Nance	Tunstall
Crumpton	Norman	Vaiden
Fite	Plowman	

—22

Nays, 0.

Mr. Crumpton, after having first procured the unanimous consent of the Senate, called up:

The bill:

S. 247. To prohibit officers, aldermen and councilmen of municipalities from accepting employment from those operating public service business and to repeal all existing laws regulating or prohibiting such employment.

Which was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres.Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moulthrop	Sprott
Crumpton	Nance	Stokes
Fite	Norman	Vaiden

—23

Nays, 0.

The bill:

S. 296. To abolish the fine and forfeiture fund of Wilcox county, and to provide for the payment into

the general fund of said county of all moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Fite	Plowman
Morrow Pres.Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moulthrop	Sprott
Crumpton	Nance	Stokes
Curry	Norman	Vaiden

—23

Nays, 0.

ADJOURNMENT.

At 4:32 p. m. on motion of Mr. Renfro, the Senate adjourned until eleven o'clock tomorrow morning.

TWENTY-NINTH DAY.

Friday, February 24, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Burn.

ROLL CALL.

Present:

Mr. President and

Messrs.: Allen
Morrow, Pres.Pro tem Atkins

Beasley
Brown, C. W.

Brown, W. T.	Lovelace	Screws
Crumpton	Merrill	Sherrod
Curry	Miller	Sloan
Espy	Moody	Spragins
Fite	Moulthrop	Sprott
Folmar	Nance	Stevens
Frazer	Norman	Stokes
Godbold	Plowman	Tunstall
Justice	Renfro	Vaiden
Kilby	Rogers	

—34

JOURNAL.

On motion of Mr. Godbold the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Hon. R. O. Simpson for today.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Norman:

S. 324. To amend section 7794 of the code of Alabama.

Judiciary.

By Mr. Vaiden:

S. 325. To protect and preserve military property, and to prevent improper use and disposition of such property and to provide penalties therefor.

Military.

By Mr. Vaiden:

S. 326. To regulate and provide for the volunteer military forces of the State of Alabama.

Military.

By Mr. Vaiden:

S. 327. To provide for a commission relative to an exhibit by the State of Alabama at the Panama Pacific Exposition to be held at San Francisco, California, and to provide for the expenses of such commission.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Merrill, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Butt:

H. 435. To authorize common carriers in this State to sell unclaimed articles of freight.

Mr. Sprott, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

S. 308. To amend sub-division 2 of section 2061 of the code of 1907.

By Mr. Fite:

S. 315. To amend an act approved August 26th, 1909, amending section 1182 of the code of Alabama.

By Mr. Sullivan:

H. 340. To declare the twelfth day of October a legal holiday, to be known as "Columbus Day."

Mr. Plowman, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Long.

H. 536. To make further provision for paying the per diem and mileage of the members and officers and the expenses of the Legislature.

Mr. W. T. Brown, chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Brown, W. T., (With amendment.)

S. 206. To create and establish a school of Industry and Technology for Boys and Young Men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of the "Industrial and Technological Institute of Alabama" with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a Board of Control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wright:

H. 283. To amend sections 28, 29 and 32 of the code of Alabama, 1907.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same ~~returned to the Senate with a favorable report, and they~~ were severally read a second time and placed on the calendar, to-wit:

By Mr. Preston:

H. 456. To amend an act to establish a county court for the county of Clay, approved Dec. 13, 1898, and amended March 2, 1901, and August 6, 1907.

By Mr. Walden:

H. 48. To authorize the holding of an election by the legally qualified voters of the cities of Decatur and New Decatur in Morgan county, Alabama, to determine whether said cities shall be consolidated and merged into one city, under the name of Decatur, Alabama; to provide for the holding of said election; and in the event a majority vote be cast for consolidation, to provide for the consolidating and merging of said cities in all things necessary and incident thereto.

By Mr. Griffith:

H. 424. To prescribe the duties of the tax assessor and tax collector in assessing and collecting the taxes in Cullman county, Alabama.

By Mr. Roberson:

H. 347. To provide for judicial sales, tax sales and mortgage sales of real and personal property which concern real or personal property located wholly in the southern judicial division of St. Clair county, as now or hereafter constituted; and to provide for the advertisement of such sales.

Mr. Atkins, chairman of the standing committee on Fees and Salaries reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McLendon:

H. 240. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

Mr. Allen, chairman of the standing committee on Mining and Manufacturing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Beasley:

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a suitable person, when necessary, to enforce the same and prescribing his duties, compensation and to make appropriations therefor.

Mr. Lovelace, chairman of the standing committee on Forestry Conservation and Preservation of Game reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Allen:

S. 244. To amend section 6898 of the code of Alabama.

ADVERSE REPORT.

Mr. Atkins, chairman of the standing committee on Fees and Salaries reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report.

By Mr. Waddell:

H. 206. To amend section 7803 of the code of Alabama, 1907.

Mr. Lovelace, chairman of the standing committee on Forestry Conservation and Preservation of Game, re-

ported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report.

By Mr. Fite:

S. 252. To abolish the office of State game and fish commissioner and to confer the duties and powers of ~~such State game and fish commissioner upon the com-~~missioner of agriculture and industries, and providing for the performance by such commissioner of agriculture and industries of the duties now conferred and required of such State game and fish commissioner without any additional compensation, and authorizing him to appoint game and fish wardens for each county of this State under the provisions of the general statutes.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

H. J. R. 72. Be it resolved by the House, the Senate concurring, That when the House and Senate adjourn today, it stand adjourned until Wednesday, March 1st, 1911, at 11 o'clock.

And send same herewith to the Senate.

W. F. Herbert, Clerk.

HOUSE MESSAGE.

On motion of Mr. Sherrod the rules were suspended, and H. J. R. No. 72, set out in the foregoing message from the House, was concurred in and adopted.

RESOLUTION.

Mr. Kilby offered the following resolution:

S. R. 56. Resolved, That the committee on Municipalities and Municipal Organization be allowed a clerk and that such clerk shall serve all committees not heretofore provided for.

Which was read and referred to the Rules committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 490. To amend section 2974 of the code of Alabama.

H. 459. To amend section 5202 of the code of Alabama.

And send the same herewith to the Senate.

Also:

H. 484. To amend Section two of an Act, entitled "An Act to create the office of Official Stenographer of Walker County, to provide for his appointment, fix his compensation and define his duties, and provide for special stenographers in certain cases."

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced at the next session of the Legislature of Alabama, which meets at Montgomery, Alabama, on January 10th, 1911, for passage:

A bill to be entitled an act to amend sections 1, 2, 5, 8 and 10 of an act entitled "an act to create the office of official stenographer for Walker county, Alabama, to provide for his appointment, fix his compensation and define his duties, and provide for special stenographers in certain cases," approved August 9th, 1907.

Section 1. *Be it enacted by the Legislature of Alabama*, That sections 1, 2, 5, 8, and 10 of an act entitled "an act to create the office of official stenographer for Walker county, Alabama, to provide for his appointment, fix his compensation and define his duties, and provide for special stenographers in certain cases," approved August 9th, 1907, be amended so as to read as follows, to-wit:

Section 1. That the judge of the Walker county law and equity court is hereby authorized to appoint an official stenographer for said county.

Section 2. That the first stenographer appointed under this act shall serve until the end of the year 1907, that each subsequent term shall be for one year, commencing on January 1st, and ending on December 31st, thereof. Such stenographer shall receive a salary of one hundred and twenty-five (\$125.00) dollars ~~per month, payable by Walker county on the warrant of~~ the probate judge drawn on the treasurer thereof, and said warrant shall be a preferred claim against said county.

Section 5. Should two or more of said courts be engaged at the same time in the trial of cases of the character to be reported by the stenographer, as provided in section 3 of this act, then such stenographer shall serve, during such time, as directed by the judge of the Walker county law and equity court, whose duty it shall be to see to it that preference in such matters is given to the trial of important criminal cases.

Section 8. That the official stenographer may be removed from office by said judge for good cause shown to the satisfaction of said judge.

Section 10. That the office of official stenographer and position of special stenographer may be filled and held by any person over fifteen years of age that said judge may deem competent.

State of Alabama, }
Walker County. }

Before me, E. W. Long, clerk circuit court in and for said county and State, personally appeared J. R. Gunter, editor of the Mountain Eagle, a newspaper, published in the county of Walker, State of Alabama, who being duly sworn, states on oath that the above notice, a true copy of which is hereto annexed, was published in said newspaper four consecutive weeks beginning December 21st, 1910, and ending January 11th, 1911.

J. R. Gunter,
Editor.

Subscribed and sworn to this the 31st day of January, 1911.

E. W. Long,
Clerk Circuit Court.

H. 457. To transfer certain portions of the Fine and forfeiture fund of Coosa county, to the Federal road fund of Coosa county and to authorize the commissioner's court to expend the same on the public roads.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

To transfer certain portions of the fine and forfeiture fund of Coosa county, to the general road fund of Coosa county and to authorize the commissioner's court to expend the same on the public roads.

Section 1. *Be it enacted by the Legislature of Alabama*, That all money in the county treasury of Coosa county to the credit of the fine and forfeiture fund are that hereafter be paid into said county treasury to the credit of the fine and forfeiture fund of Coosa county is hereby transferred, and the treasurer is authorized and directed to transfer the same to the general road fund of said county provided the holder of the claims against the fine and forfeiture fund is entitled to priority of payment against said fund, fails to present said claim to the treasurer of said county within 60 days after the approval of this act and within 60 days in future after said money is paid into said treasury, and the commissioner's court of said county is authorized and empowered to expend the same on the public roads of said county.

Notice is hereby given that application will be made in the present session of the Legislature for the passage of an act of which the foregoing is the substance.

W. R. Walker.

State of Alabama, }
Coosa County. }

Before me, Obe Riddle, a notary public, in and for said State and county, personally appeared L. D. Coker,

who first being duly sworn by me, deposeth and says on oath, that he is the editor and publisher of the Goodwater Enterprise, a weekly newspaper published at Goodwater in Coosa county, Alabama, and that the foregoing bill and notice was published at length in said Goodwater Enterprise, once a week for four consecutive weeks beginning in issue of said paper published on ~~January 20th, 1911, and ending February 10th, 1911.~~ That same was published at length in the following issues of said papers: Jan. 20th, 1911, Jan. 27th, 1911, Feb. 3rd, 1911, Feb. 10th, 1911, which said publication was made without cost to the State of Alabama and without cost to the county of Coosa.

L. D. Coker.

Sworn to and subscribed before me this 11th day of February 1911.

Obe Riddle,
Notary Public.

H. 462. To change the corporate limits of the town of Kinsey, in Houston county, Alabama.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }
Houston County. }

Before me, Josef V. Harrison, a notary public, in and for said county in said State, came W. T. Hall, who being duly sworn, deposes and says that he is editor and publisher of The Dothan Weekly Eagle, a newspaper, published at Dothan, in Houston county, Alabama, and that the following notice:

NOTICE OF LEGISLATION.

Notice is hereby given that there will be presented an application for the passage of a law at the session of the Legislature of Alabama in 1911 to reduce the corporation of the town of Kinsey, Houston county, Alabama, and that the substance of said law will be as fol-

lows: That the western boundary of the said municipal corporation will be made as follows: Commencing at the southwest corner of the same as it now is and running north along the line of said corporate limits until said line intersects or reaches the public road leading from Dothan in Houston to Headland in Henry county, and running thence along the east side of said road and twenty feet from the center thereof until the northern boundary of said corporation is reached the effect of said law being to place all that territory within the corporation to limits of Kinsey lying west of a line twenty feet east of said public road outside the corporate limits of said town of Kinsey. This the 4th day of January, 1911.

W. T. Jarvis.

Was published in said Dothan Weekly Eagle for four consecutive weeks, commencing on the 9th day of January, 1911 and ending on the 30th day of January, 1911.

W. T. Hall.

Sworn to and subscribed before me this the 6th day of January, 1911.

Josef V. Harrison,
Notary Public.

H. 543. To amend sections 2, 3, 4 and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27, 1901."

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

COPY.

The State of Alabama, }
Etowah County. }

Personally appeared before me L. L. Herzberg, probate judge, in and for said county, A. W. McCulloch, who being first duly sworn, states that the annexed publication has been regularly made once a week for four

consecutive weeks; to wit, on January 23 and 30, February 6 and 14, 1911, in the Gadsden Evening Journal, a newspaper, published at Gadsden in said county.

A. W. McCulloch,
Business Manager of Gadsden Evening Journal.

Sworn to and subscribed before me this 14th day of
February, 1911.

L. L. Herzberg,
Judge of Probate.

NOTICE.

Is hereby given that a bill will be introduced in the Legislature of Alabama, at its present session, to amend sections two (2), four (4) and five (5), of an act to declare the powers and jurisdiction of the city court of Gadsden, Etowah county, by making the judge and clerk of said court elective, said election to be held at the same time of the general election for State officers in the year 1912, and every six years thereafter. The term of office of said judge and clerk shall be for six years and shall commence immediately after the expiration of the term of office of the present judge and clerk of said court, to-wit: On the 27th day of February, 1913, also to fix the terms of said court, to-wit: Commencing the first (1st) Monday in September and continuing to the third (3rd) Saturday in December, and commencing the first (1st) Monday in January and continuing to the fourth (4th) Saturday in June of each year.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows

H. 543, 490. To Judiciary.

H. 457, 484. To Local Legislation.

H. 459. To Revision of Laws.

H. 462. To Municipalities and Municipal Organizations.

RECONSIDERATION AND RECOMMITMENT OF BILL.

Mr. Crumpton renewed his motion to reconsider the vote by which the Senate on Feb. 8, 1911, passed

S. 79. To repeal section 6321 of the code of Alabama.

(Notice of which motion having been made before 12 o'clock on the succeeding legislative day, and the consideration of same passed until today) which motion prevailed. He then moved that the vote ordering said bill to a third reading be reconsidered, which motion prevailed, and on motion of Mr. Atkins said bill was recommitted to the Judiciary committee.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate bills:

S. 221. An act to amend section 3240 of the code of Alabama, 1907: "Tenth circuit; times and places of holding courts" by changing the time of holding said courts.

S. 232. An act to require the county solicitor of Hale county, Alabama, to attend the terms of the law and equity court of Hale county, Alabama and to prosecute all criminal cases pending therein and to provide for the disposition of the solicitors fees earned, assessed and collected upon convictions in said court.

S. 220. To amend section (4) of an act entitled an act "to further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court"; approved February 26, 1907, by substituting in lieu of said section (4) other provisions relating to the time of holding said court; the term thereof, and the trial of causes in said court.

S. 133. To create and establish the Juvenile Court of Jefferson county, Alabama; to create and define its

jurisdiction; and conferring power on said court to adjudicate in all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected, or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, ~~and the appointment of guardians for such children,~~ and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

And find same correctly enrolled.

N. D. Godbold, Chairman.

SIGNING BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled Bills.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Curry

H. 19. To amend section 7276 of the code.

Was indefinitely postponed.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 243. To amend section 3043 of the code of Alabama, 1907, so as to change the time of holding some of the courts in the counties in the Northern division of Alabama.

S. 294. To ratify, confirm and legalize all acts and orders of the Court of County Commissioners of Wilcox County in the payment of road overseers, appointed under the official road law of said County, approved July 25th, 1907; to ratify and legalize the payment of the convict agent appointed by said court; to ratify and legalize the hiring of teams by said overseers appointed under said Act; and to legalize the payment of all warrants and orders of said Court by the Treasurer of said County pertaining to said road law.

S. 298. To regulate the practice in the circuit court of Cleburne county.

S. 269. To protect livery stable keepers.

S. 295. To provide that all claims which are payable out of the fine and forfeiture fund of Wilcox county shall, in future, be paid out of the general fund of said county, and to fix the amount or percentage, of said claims which will be so paid, and to regulate the payment of same.

S. 275. To repeal the act of the Legislature of Alabama of 1900-01, page 688, approved December 13, 1900, providing for the trial of misdemeanors in the county court of Fayette county, Alabama, and to provide for the transfer of all cases which have been transferred from the circuit court of said county to said county court, together with all papers, records and everything pertaining to said cases, by the clerk of said county court back to the circuit court of said county for trial in said circuit court.

S. 296. To abolish the fine and forfeiture fund of Wilcox county, and to provide for the payment into the general fund of said county, of all moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund.

S. 166. To amend an act "To establish a county court for the county of Clay," approved December 13, 1898, (and amended March 2, 1901 and August 6, 1907).

S. 247. To prohibit officers, aldermen and councilmen of municipalities from accepting employment from those operating public service business and to repeal

all existing laws regulating or prohibiting such employment.

S. 126. To allow Courts of County Commissioners and Boards of Revenue of the several counties of the State to appropriate money out of the common county funds for the repayment of money actually spent by the Judges of Probate for postage stamps used for official business.

S. 215. To amend section 3241 of the 1907 code of Alabama.

S. 102. To amend section 731 of the code.

S. 212. To provide for refunding privilege taxes erroneously collected and to make the necessary appropriation therefor.

S. 197. To authorize any city within this State having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such construction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, viaducts or bridges as may be found and declared by the City Council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, though dedicated, the opening and use of which may be found and declared by the City Council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the vacation of which may be called for by any such contract.

And find same correctly engrossed.

Thomas A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President.

The House has received the accompanying message from his Excellency the Governor with his objections to:

H. 57. To authorize the court of county commission money not exceeding twenty thousand dollars, and pay interest thereon.

And the House has passed the bill notwithstanding the Governor's veto.

Yeas, 59; nays, 32.

Which is a majority of the whole number elected to the House, and the House herewith sends said bill with the Governor's message to the Senate.

W. F. Herbert, Clerk.

HOUSE MESSAGE.

On motion of Mr. Sherrod the Senate refused to pass H. B. 57.

The title of which is set out in the foregoing message from the House,

The Governor's veto to the contrary notwithstanding.

Yeas, 1; nays, 26.

Yea: Mr. Norman—1.

Nays:

Messrs.:	Espy	Nance
Morrow, Pres. Pro tem	Fite	Plowman
Allen	Godbold	Renfro
Atkins	Justice	Rogers
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stokes
Curry	Moulthrop	Tunstall

Which was a majority of the whole number elected to the Senate.

REPORT CONFERENCE COMMITTEE.

Mr. President:

~~The committee on Conference on the part of the two~~
Houses in regard to S. B. 45 entitled an act to increase the salary of the solicitor of Montgomery county from \$3,000 to \$4,200 annually recommend that the House recede from its amendments.

Moulthrop, Vaiden and Screws, on the part of the Senate.

Butt, Mastin and Williams, on the part of the House.

CONFERENCE REPORT.

On motion of Mr. Moulthrop the Senate concurred in and adopted the report of the committee of Conference on the disagreement of the two Houses on the House amendment to S. B. 45, the title of which is set out in the foregoing report of said Conference committee.

Yeas, 21; nays, 0.

Yeas:

Messrs. :	Merrill	Renfro
Allen	Miller	Rogers
Atkins	Moody	Sherrod
Brown, C. W.	Moulthrop	Sloan
Brown, W. T.	Nance	Sprott
Crumpton	Norman	Stokes
Curry	Plowman	Tunstall
Godbold		

—21

Nays, 0.

MOTION TO RECONSIDER.

Mr. Norman moved that the vote by which the Senate on yesterday concurred in and adopted House Joint Resolution No. 11....

Relative to the adjournment of the two Houses from Saturday, Feb. 25, to Wednesday, March 1, 1911, be reconsidered.

Which motion was, on motion of Mr. Sherrod, laid upon the table.

Yeas, 20; nays, 5.

Yeas:

Messrs.:	Curry	Moulthrop
Allen	Espy	Plowman
Atkins	Fite	Renfro
Beasley	Godbold	Rogers
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Crumpton	Miller	Tunstall

—20

Nays: Messrs. Justice, Nance, Norman, Sprott and Stokes—5.

BILLS ON THIRD READING.

The bill:

S. 168. To authorize the recovery of growing or un-gathered crops in an action of detinue, and to define the title on which said recovery may be had.

Was taken up.

Mr. Espy offered the following amendment to said bill:

Amend the caption by striking out the words "growing or" and substitute therefor the word "matured."

Amend section 1 by striking out the words "growing or" and substitute therefor the word "matured."

Amend section 2 by striking out the words "growing or" and substitute therefor the word "matured."

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Brown, C. W.	Fite
Atkins	Crumpton	Justice
Beasley	Espy	Kilby

Lovellace
Merrill
Moulthrop
Nance

Norman
Renfro
Rogers

Sherrod
Sprott
Vaiden

—18

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Allen

Atkins

Beasley

Brown, C. W.

Brown, W. T.

Crumpton

Curry

Espy

Fite

Godbold

Lovellace

Merrill

Moulthrop

Nance

Norman

Renfro

Rogers

Sherrod

Sloan

Sprott

Stokes

Vaiden

—22

Nays, 0.

The bill:

S. 217. To amend section 4093 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Allen

Atkins

Brown, C. W.

Crumpton

Curry

Espy

Fite

Folmar

Justice

Kilby

Merrill

Moulthrop

Nance

Norman

Rogers

Screws

Sherrod

Sprott

Vaiden

—19

Nays, 0.

The bill:

S. 113. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Fite	Norman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Kilby	Rogers
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Stokes
Curry	Nance	

—19

Nays, 0.

The bill:

S. 284. To amend section 3979 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Justice	Rogers
Allen	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stokes
Curry	Moulthrop	Tunstall
Fite	Norman	Vaiden
Godbold	Renfro	

—22

The bill:

S. 262. To amend section 6169 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Lovelace	Rogers
Allen	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moody	Sprott
Brown, W. T.	Moulthrop	Stevens
Crumpton	Norman	Stokes
Espy	Plowman	Tunstall
Fite	Renfro	Vaiden
Godbold		

—24

Nays, 0.

The bill:

S. 300. To provide for the registration and lien of judgments for the payment of money in the courts of justice of the peace, and notary public with powers of justice of the peace, and providing for the issueing of executions on such registered judgments, in Franklin county, Alabama; and repealing all laws in conflict therewith.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Crumpton	Plowman
MORROW, Pres. Pro tem	Espy	Rogers
Allen	Fite	Sherrod
Atkins	Lovelace	Sloan
Beasley	Merrill	Stokes
Brown, C. W.	Miller	Tunstall
Brown, W. T.	Moody	Vaiden

—20

Nays, 0.

The bill:

H. 309. To better enforce the collection of license tax in this State, and requiring the several sheriffs and probate judges, in counties in which there are no county tax commissioners to perform certain duties in relation to the collection of said tax.

Was read a third time at length and passed.
Yeas, 26; nays, 0.

Yeas:

Messrs.:	Fite	Plowman
Morrow Pres.Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Beasley	Kilby	Sherrod
Brown, C. W.	Lovelace	Sloan
Brown, W. T.	Merrill	Sprott
Crumpton	Miller	Stokes
Curry	Moody	Tunstall
Espy	Nance	Vaiden

—26

Nays, 0.

The bill:

H. 298. To detach the county of Baldwin from the 13th judicial circuit of Alabama, and attach it to the 2nd judicial circuit of Alabama, and to fix the times of holding courts therein.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Espy	Renfro
Morrow, Pres.Pro tem	Fite	Rogers
Allen	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stokes
Crumpton	Moody	Vaiden
Curry	Moulthrop	

—22

Nays, 0.

The bill:

H. 516. To amend sections 3615 and 3625, code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Godbold	Moulthrop
Morrow, Pres. Pro tem	Justice	Norman
Allen	Kilby	Renfro
Beasley	Lovelace	Rogers
Brown, C. W.	Merrill	Sherrod
Curry	Miller	Sprott
Espy	Moody	Stokes
Frazer		

—21

Nays, 0.

The bill:

H. 425. To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Frazer	Nance
Morrow, Pres. Pro tem	Justice	Norman
Allen	Kilby	Renfro
Atkins	Lovelace	Rogers
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Stokes
Espy	Moody	Vaiden
Fite	Moulthrop	

—22

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the conference report of the Conference committee on the disagreement of the House and Senate on House amendment to S. 45 to increase the salary of the solicitor of Montgomery county from three thousand to forty-two hundred dollars.

And herewith return S. 45.

W. F. Herbert,
Clerk.

RECESS.

At 1:10 o'clock p. m. on motion of Mr. Sprott, the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Friday, February 24th, 1911.

The Senate re-assembled at 3:30 o'clock p. m.

ROLL CALL.

On a call of the roll 21 Senators answered to their names, a quorum of the Senate as required by the Constitution.

NOTICE.

Mr. Fite gave to the Senate the following notice in writing:

NOTICE.

Notice is hereby given that on Wednesday, March 1st, 1911, immediately after the report of committees, a motion will be made to take Senate bill 252 from the adverse calendar and place same on its second reading and the regular calendar.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows:

By Mr. Crumpton:

S. 328. To prescribe and fix the basis upon which license fees shall be exacted by municipal corporations of foreign fire insurance corporations.

Insurance.

By Mr. Justice:

S. 329. To provide for an election in Elmore county, Alabama, to determine whether or not the incorporated cities and towns in said county, and the cities and towns that may hereafter be incorporated in said county, shall be authorized and permitted to operate dispensaries; to ~~fix the time and provide the manner of holding said~~ election, and in the event a majority of the qualified voters of said county shall vote in favor of authorizing such dispensaries, to authorize and permit the incorporated cities and towns and the cities and towns that may hereafter be incorporated in said county to establish and operate a dispensary or dispensaries for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

Temperance.

With notice and proof, as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama now in session for the passage of a local law applicable to the county of Elmore, State of Alabama, the substance of which shall be as follows:

To provide for the holding of an election by the qualified voters of Elmore county, Alabama, to determine whether or not the incorporated cities and towns in said county, and the cities and towns that may hereafter be incorporated in said county, shall be authorized and permitted to operate a dispensary or dispensaries, and to purchase, sell or otherwise dispose of spirituous, vinous or malt liquors and other intoxicating drinks and beverages; to fix the time and provide for the manner of holding said election; and in the event a majority of the qualified electors of said county shall vote in favor of authorizing said cities and towns to operate such dispensary or dispensaries, as aforesaid, to authorize and permit the incorporated cities and towns of said

county and the cities and towns that may hereafter be incorporated in said county, to operate a dispensary or dispensaries, and for the purchase, sale and disposition of spirituous, vinous or malt liquors and other intoxicating drinks and beverages; to regulate the conduct of said dispensaries; to provide for the disposition of the profits therefrom between the public schools and the road and bridge fund of said county and the incorporated towns therein, and to repeal all laws or parts of laws, general, special and local, regulating or prohibiting the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or other intoxicating drinks or beverages within the said county or any municipality or subdivision thereof in conflict with the provisions of said act, and to repeal section 4 of an act entitled an act to incorporate the Tallassee Falls Manufacturing Company, approved Jan 29, 1852, (Bill No. 166) prohibiting the sale of liquor within four miles of the factories of said corporation, insofar as the same shall conflict with the provisions of said act.

1-12-4t

State of Alabama, }
Montgomery County. }

Personally appeared before me, H. F. Crenshaw, a notary public in and for the State and county aforesaid, H. H. Golson, known to me, who being duly sworn doth depose and say that he is the publisher of The Weekly Herald, a newspaper published in the city of Wetumpka, in the county of Elmore, and State of Alabama, that the above notice was published in said weekly Herald for four successive weeks, and appeared in the regular issues of said newspaper on the 12th, 19th and 26th days of January, 1911, and on the 2nd day of February, 1911.

H. H. Golson.

Sworn to and subscribed before me this the 24th day of February, 1911.

H. F. Crenshaw,
Notary Public.

REPORTS OF COMMITTEES.

Mr. Sherrod, chairman of the standing committee on Revision of Laws reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on ~~the calendar, to-wit:~~

By Mr. Rice:

H. 328. To amend section 3684 of the code.

By Mr. Waddell:

H. 207. To amend section 6878 of the code of Alabama of 1907.

By Mr. Jackson:

H. 254. To amend section 7833, (5612) (3875) (4417) (4420) (3736, 3738) (189, 191) of the code of Alabama of 1907.

By Mr. Miller:

H. 406. To amend section 2984 of the code of Alabama of 1907.

By Mr. Miller:

S. 281. To authorize a defendant charged with vagrancy, or with playing at a game with dice, commonly known as "craps," to demand an indictment by a grand jury, and to repeal all laws and parts of laws in conflict with the provisions of this act.

By Mr. Screws:

S. 316. To provide for the examination of plumbers and to establish a board therefor, and to regulate the business of installing sanitary plumbing and supervising and inspecting plumbing in cities or towns of this State, having a population of twenty-five thousand inhabitants or more, according to the Federal census of 1910, or any subsequent Federal census, and to provide penalties for the violation of this act.

Mr. Beasley, chairman of the standing committee on Public Roads and Highways reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Almon (with substitute) :

H. 354. To provide for the creation of a State Highway Commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature, and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.
By Mr. Butt:

H. 158. To amend section 5768 of the code of 1907.

By Mr. Spragins:

S. 311. To provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, and to provide penalties for violations thereof.

ADVERSE REPORT.

Mr. Sherrod, chairman of the standing committee on Revision of Laws reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report.

By Mr. Jones:

H. 491. To regulate the cancellation and satisfaction of record of conveyances of real estate by deeds of trust, mortgages and instruments in the nature thereof, and to require the several judges of probate to keep a record of powers of attorneys authorizing the cancellation of such instruments.

ORDER TO PRINT.

On motion of Mr. Beasley the secretary was directed to have 500 copies of the substitute offered by the committee on Public Roads and Highways for:

H. 354. To provide for the creation of a State highway commission, defining its powers, duties and com-

pensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation ~~hereinafter made shall be used for such purpose~~, and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Printed for the use of the Senate.

INDEFINITE POSTPONEMENT OF BILLS.

On motion of Mr. Miller,

S. 261. To amend section 3 of an act entitled an act "To create and establish the Marengo Law and Equity court for Marengo county," approved August 26, 1909.

Was indefinitely postponed.

On motion of Mr. Tunstall:

S. 223. To ratify, confirm, and validate all ordinances, resolutions and laws, heretofore passed by the city and town councils of any municipality in this State of less than seven thousand inhabitants, according to the census of such cities and towns on file in the office of the Secretary of State as provided by the Code of Alabama of 1907, and to ratify, confirm and validate all ordinances and laws heretofore printed in book and pamphlet form by authority of the municipalities of cities and towns under seven thousand according to the census on file in office of the Secretary of State, and to provide for their reception as such ordinances and laws in the courts of Alabama.

Was indefinitely postponed.

BILLS ON THIRD READING.

The bill:

S. 301. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Crumpton	Norman
Morrow, Pres.Pro tem	Godbold	Plowman
Allen	Kilby	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sprott
Brown, C. W.	Moody	Tunstall
Brown, W. T.	Moulthrop	

—19

Nays, 0.

The bill:

S. 224. To ratify, confirm, and validate the census of the cities and towns in the State of Alabama, of seven thousand, and less, where the same has been taken as provided by the Code of Alabama, of 1907, and the report of the same filed in the office of the Secretary of State.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Crumpton	Moulthrop
Morrow, Pres.Pro tem	Fite	Norman
Allen	Godbold	Plowman
Atkins	Kilby	Renfro
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sprott
	Moody	Tunstall
		Vaiden

—20

Nays, 0.

The bill:

S. 270. To authorize the recording of certified copies of the records of deeds and the admission of such certified copy or certified copies of records thereof in certain instances in evidence.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Espy	Norman
Morrow, Pres. Pro tem	Fite	Renfro
Allen	Godbold	Rogers
Atkins	Kilby	Sherrod
Beasley	Merrill	Sprott
Brown, C. W.	Miller	Tunstall
Crumpton	Moody	Vaiden
Curry	Moulthrop	

—22

Nays, 0.

The bill:

H. 421. To amend section 3234, of the code of 1907, of Alabama.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Godbold	Rogers
Morrow Pres. Pro tem	Kilby	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Sprott
Brown, C. W.	Moody	Tunstall
Brown, W. T.	Moulthrop	Vaiden
Crumpton	Nance	
Fite	Plowman	

—21

Nays, 0.

The bill:

S. 104. To further define, regulate and determine who are entitled to instruction in the public schools of the State and punish violations thereof.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.	Beasley	Fite
Morrow, Pres. Pro tem	Brown, C. W.	Godbold
Allen	Brown, W. T.	Kilby
Atkins	Crumpton	Merrill

Miller	Rogers	Sprott
Moody	Sherrod	Tunstall
Moulthrop	Sloan	Vaiden
Plowman		
Renfro		

—21

Nays, 0.

The bill:

S. 277. To amend an act entitled an act to provide a better system of public roads for Blount county. Approved Feb. 27th, 1907.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Fite	Plowman
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Sprott
Brown, C. W.	Moody	Tunstall
Brown, W. T.	Nance	Vaiden
Crumpton		

—21

Nays, 0.

The bill:

S. 154. To fix the maximum amount of license and privilege taxes and other charges for the privilege of doing business to be imposed, levied or collected by municipal corporations on or from Domestic Fire Insurance Companies doing business in such municipal corporations.

Was taken up.

Mr. Kilby offered the following amendment to said bill:

Amend by adding the words "and marine, fidelity and casualty" between the word "Fire" and the word "Insurance" wherever the word "Insurance immediately follows the word "Fire" in the bill or its caption.

Also by adding the words "less cancellations and re-insurance" immediately before the words "covering property situated in said cities and towns" where the same appears at the end of sub-section (a) and at the end of sub-section (b) and at the end of sub-section (c) of section 1 of the bill.

Also by inserting the words "less cancellations and reinsurance" immediately following the words "gross premiums" where the same appears in section 2 of the bill.

Also by inserting the words "and re-insurance in companies duly authorized to do business in said cities and towns in this State" immediately following the words "less cancellations" where they appear in the tenth line of section 4 of the bill.

Which was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Merrill	Rogers
Morrow, Pres. Pro tem	Miller	Sherrod
Beasley	Moody	Sloan
Brown, C. W.	Nance	Sprott
Crumpton	Norman	Tunstall
Fife	Plowman	Vaiden
Kilby	Renfro	

—19

Nays, 0.

Mr. Kilby moved to make said bill as amended a

SPECIAL ORDER.

For Wednesday at 12 o'clock M., March 1st, 1911.

Which prevailed and said bill as amended was made a special order for Wednesday, March 1, 1911, at 12 o'clock M.

RESOLUTIONS.

Mr. Morrow offered the following joint resolution, which under a suspension of the rules, was adopted, to-wit:

S. J. R. 57. Resolved by the Senate, the House concurring, that the Governor be requested to return to the Senate and House for further consideration, Senate bill 133.

Mr. Beasley offered the following resolution:

S. J. R. 58. Resolved, that a joint committee be appointed, consisting of five members on the part of the Senate and nine members on the part of the House, the House concurring and also the chairman of the Judiciary committee of the Senate and the chairman of the Judiciary committee of the House to consider and report for action to this session of the Legislature the condition now existing with reference to Nisi Prius courts and to make such other recommendations with regard thereto as may appear proper.

Resolved further, That the said committee also consider the question of the creation of a court of Appeals or some other legislation that will relieve the Supreme Court of the congested condition of its docket.

Which was read one time and referred to the Rules committee, a standing committee of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 231. To abolish the County Court of Hale County, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198, of the Code of Alabama, to repeal an act approved February 12th, 1879, entitled "An Act to confer additional jurisdiction upon the County Court of Hale County, and to regulate the proceedings therein," and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes, and everything pertaining to said causes pending in said court, by the clerk thereof to the Hale County Law and Equity Court.

S. 188. To provide for the appointment by the sheriff of Jefferson county, Alabama, of the necessary bail-

iffs for the city court of Birmingham, and to provide for the payment of their compensation.

And returns same herewith to the Senate.

W. F. Herbert, Clerk.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate bills:

S. 141. An act to provide for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen.

S. 231. An act to abolish the county court of Hale county, Alabama, to annul its jurisdiction, which court is provided for in and by article 3, chapter 198, of the code of Alabama, to repeal an act approved February 12th, 1879, entitled "an act to confer additional jurisdiction upon the county court of Hale county, and to regulate the proceedings therein," and to provide for the transfer of all of the causes of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes, and everything pertaining to said causes pending in said court, by the clerk thereof to the Hale county law and equity court.

And find same correctly enrolled.

N. D. Godbold, Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled Bills.

The reading at length of said bills having been dispensed with, by a two thirds vote of a quorum of the Senate present.

MESSAGE FROM THE GOVERNOR.

The Senate received the following message from His Excellency, the Governor.

To the Senate and House of Representatives:

I respectfully recommend for your immediate consideration the passage of a joint resolution by the Senate and the House of Representatives authorizing the raising of a commission to report to your honorable body the condition now existing in Alabama with reference to its Nisi Prius courts. This commission should, in my opinion, consist of the Governor, the attorney general, the chairman of the Judiciary committee of the Senate and the chairman of the Judiciary committee of the House, and three distinguished members of the Alabama bar to be appointed by the Governor. My reason for recommending the appointment of three distinguished members of the bar to serve with the officials above named, is that these three members of the bar, not being engaged at this particular moment in the performance of public duties, can at once secure for the commission all the needed data on the subjects to be considered, and can thus be of material service in quickening the report.

There is nothing in which the people of Alabama are so deeply interested as in the speedy, proper and impartial disposition of all causes—civil or criminal—finding their way into any of our courts. Any money is well spent which is expended in furthering the cause of justice and secures to our citizens, through our courts, right and justice without sale, denial or delay. When courts are needed no question of expense should prevent their establishment, but we should not create additional judicial tribunals unless the necessity for their creation plainly exists.

The Alabama State Bar Association, which is the only organization representing the bar of the State of Alabama, after careful consideration, recommend the creation of a court of appeals for the purpose of relieving our supreme court from its congested and burdened condition, and a bill is now pending before your hon-

orable body carrying into effect those recommendations. That the Supreme Court of Alabama needs the relief which is sought to be accomplished by the Appellate court bill there seems to be no reason to doubt, and I strongly recommend to your honorable body a favorable and speedy consideration of that bill. There have not been, however, any recommendations made to you with reference to our Nisi Prius courts, and in my opinion the time has now arrived when it is absolutely necessary for your honorable body to be informed as to the true conditions existing in our State, and where defects exist that they should be remedied.

In many of our circuits and chancery divisions there are counties possessing law and equity courts, co-extensive in jurisdiction with chancery and circuit courts. It may be that many of these counties should be taken out of the circuits and chancery divisions to which they now belong, and that the Nisi Prius cases and cases in equity in those counties should be exclusively committed to such law and equity courts. In many of our counties where no courts of law and equity exist there are but two terms per annum of the circuit and chancery courts, and the result is that there is much delay in many of these counties in the trial of their causes.

Your honorable body has already created one law and equity court for one of the counties of the State, and I am informed that a number of bills are now pending before you looking to the establishment of similar courts in other counties of the State.

If the counties containing law and equity courts with jurisdiction co-extensive with that of circuit courts and courts of chancery, are taken from the circuit to which they now belong, it is possible that in the counties of the State which are too small to possess a separate law and equity court the time of holding the chancery and circuit courts in such counties may be increased from twice to four times a year, and no additional burdens imposed upon the judges of such circuits and the chancellors of such chancery divisions. The State could thus be saved the necessity of creating

some law and equity courts which otherwise may be necessary.

It seems to me to be urgent that the commission contemplated in this message should be at once selected with instructions to report to your honorable body at the present session with as much speed as the circumstances and the importance of the subject will permit.

It is recommended that no member of this commission shall receive any pay for his services, but that if three members of the bar are appointed by the Governor to serve on the commission, as recommended in this message, that the Governor be authorized to pay their actual expenses while in attendance upon such commission, by warrant drawn upon the treasurer and to be paid out of any funds of the State not otherwise appropriated.

Emmet O'Neal, Governor.

On motion of Mr. Beasley, the foregoing message from the Governor was read and referred to the standing committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and all recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

H. 142. To amend section 3 of an act entitled an act "To create and establish the Marengo law and equity court for Marengo county," approved August 26, 1909.

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair County. A Board of Road Commissioners provided for. Their appointment, ~~how made. Vacancies, how filled.~~ Organization of such board. Duties of the Chairman. Duties of the Secretary and Treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the Board, how done. Authority, duties and powers of the Board of Road Commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the Board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the Board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the Board. Penalty for same. Court of County Commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in County Treasury may be transferred to the Board. Disposition of funds in hands of Treasurer of Board. Proceeds arising from bond issue, to be handled by such Board. Condemnation proceedings provided. All rights, powers, duties, etc. On Commissioners' Court with reference to public roads, etc. Now conferred by general law of State available and applicable to such Board of Road Commissioners. Repeal clause.

H. 298. To detach the county of Baldwin from the 13th judicial circuit of Alabama, and attach it to the 2nd judicial circuit of Alabama, and to fix the times of holding courts therein.

H. 309. To better enforce the collection of license tax in this State, and requiring the several sheriffs and probate judges, in counties in which there are no county tax commissioners to perform certain duties in relation to the collection of said tax.

H. 516. To amend sections 3615 and 3625, code of Alabama, 1907.

W. F. Herbert, Clerk.

SIGNING OF BILLS.

The President of the Senate, in the persence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two thirds vote of a quorum of the Senate present.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 191. To amend Section 2 of an act, entitled "An Act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies," Approved August 17, 1909.

S. 297. To establish an inferior court of record for Franklin county; to prescribe and define the jurisdiction thereof, and to provide for the officers thereof.

S. 56. To provide for the future employment of felony and misdemeanor convicts upon the public roads of

the several counties of the State, except certain classes; and to prevent the hiring of such convicts to private persons or to corporations; and to make violations of certain provisions of this act crime and to provide punishment therefor, and for other purposes.

S. 300. To provide for the registration and lien of ~~judgments for the payment of money in the courts of justices of the peace, and notary public with powers of~~ justice of the peace, and providing for the issuing of executions on such registered judgments, in Franklin county, Alabama; and repealing all laws in conflict therewith.

S. 168. To authorize the recovery of growing or un-gathered crops in an action of detinue, and to define the title on which said recovery may be had.

S. 113. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

S. 284. To amend section 3979 of the code of Alabama.

S. 217. To amend section 4093 of the code of Alabama.

S. 262. To amend section 6169 of the code of Alabama.

And find the same correctly engrossed.

Thos. A. Curry,
Chairman.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall chairman of the standing committee on Rules reported that said committee, in session, had acted on the following Senate resolution No. 56 and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 56. Resolved, That the committee on Municipal Organizations be allowed a clerk, and that such clerk serve all committees not heretofore provided for.

And upon his motion said report was concurred in and said resolution adopted.

ADJOURNMENT.

At 4:30 o'clock on motion of Mr. Sprott, and in pursuance of H. J. R. 72, the Senate adjourned until 12 o'clock M., Wednesday, March 1, 1911.

THIRTIETH DAY.

Wednesday, March 1st, 1911.

The Senate met at 11 o'clock A. M., pursuant to adjournment.

PRAYER.

Prayer by Rev. S. R. Emmerson, State Chaplain.

ROLL CALL.

Present:

Mr. President, and,		
Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tēm	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Spragins
Crumpton	Moody	Sprott
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

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JOURNAL.

On motion of Mr. Atkins the reading of the Journal of yesterday was dispensed with and the same was approved by the Senate.

LEAVE OF ABSENCE.

Messrs. Stevens and Fite were granted leaves of absence for today.

PRIVILEGES OF THE FLOOR.

~~On motion, Prof. E. A. Smith is granted the privilege of the floor for today.~~

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Tunstall:

S. 330. For the relief of J. D. Cromer, an ex confederate soldier of Hale county, Alabama.

Revision of Laws.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of the State of Alabama, to authorize the State auditor to draw a warrant on the treasury of Alabama for one hundred and fifty dollars, for the relief of J. D. Cromer an ex-confederate soldier, who was on the pension rolls prior to 1893, and whose name was dropped from the pension rolls from 1893 to 1902, both inclusive through a mistake.

J. D. Cromer.

State of Alabama, }
Hale County. }

Before me Charles E. Waller, a notary public in and for said State and county, personally appeared, on this day, Wm. E. W. Yerby, who is known to me, and who being by me first duly sworn to tell the truth, the whole truth and nothing but the truth, deposes and says that he is the owner and publisher of The Greensboro

Watchman, a newspaper published each week in said State and county; that the notice, a copy of which is attached hereto, was inserted in the said The Greensboro Watchman, and has been published therein for four consecutive weeks, regularly appearing in four consecutive weekly issues of the said The Greensboro Watchman, and that the notice was published without costs to the State of Alabama.

Wm. E. W. Yerby.

Subscribed and sworn to before me on this 18th day of February, 1911.

Charles E. Waller,

Notary Public, in and for Hale County, Alabama.

By Mr. Tunstall:

S. 331. To authorize and empower the judges of the several law and equity courts in this State established by the present session of the Legislature of Alabama, or that may hereafter be created, to set down for trial any cause pending in said court; and to repeal any and all local laws to the contrary.

Revision of Laws.

By Br. Tunstall.

S. 332. To place J. W. Moore, an ex-confederate soldier of Hale county, Alabama, on the Confederate pension roll as a pensioner of the first class.

Revision of Laws.

With notice and proof as follows:

NOTICE OF SPECIAL LAW.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, at the session of 1911, requiring the probate judge of Hale county to place, or cause to be placed, the name of J. W. Moore on the pension list of the ex-confederate soldiers of the county, and to be continued on the list of pensioners from year to year in class number one.

State of Alabama, }

Hale County. }

Before me Lee M. Otts, a justice of the peace in and for said State and county this day personally appeared

Wm. E. W. Yerby, who is known to me, and who being by me first duly sworn to tell the truth, the whole truth and nothing but the truth, deposes and says that he is the owner and publisher of The Greensboro Watchman, a newspaper published each week in said State and county; that the notice, a copy of which is hereto attached, was inserted in the said The Greensboro Watchman, and has been published therein for four consecutive weeks, regularly appearing in four consecutive weekly issues of the said The Greensboro Watchman, and that the said notice was published without costs to the State of Alabama.

Wm. E. W. Yerby.

Subscribed and sworn to before me on this 22nd day of February, 1911.

Lee M. Otts,

Justice of the Peace in and for Hale County, Ala.

By Mr. Plowman:

S. 333. To amend sections 2340, 2341, 2343, and 2344 of the code of Alabama.

Finance and Taxation.

By Mr. Curry:

S. 334. To provide for the appointment of an official court stenographer for the fifteenth judicial circuit of Alabama; to prescribe his duties; to fix his compensation, and to provide for the payment of the same.

Judiciary.

With notice and proof as follows:

NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }
County of Montgomery. }

Before me, David W. W. Fuller, a notary public in and for said State and county, personally appeared

Ben de Lemos, who is known to me, and who, being duly sworn, deposes and says on oath, that he is the publisher of the Alabama Outlook, a newspaper printed and published and of general circulation in said county, and that as such publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit; January 28th, 1911, February 4th, 1911, February 11th, 1911, February 18th, 1911.

Ben de Lemos, Publisher Alabama Outlook.

Subscribed and sworn to before me this 20th day of February, 1911.

David W. W. Fuller,
Notary Public.

NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }
County of Chilton. }

Before me, S. C. Matthews, a notary public in and for said State and county, personally appeared Felix M. Wood, who is known to me, and who, being duly sworn, deposes and says on oath, that he is the editor and publisher of the Clanton Press, a newspaper printed and published and of general circulation in said county, and that as such editor and publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit: January 26th, February 2nd, February 9th and February 16th, 1911.

Felix M. Wood,
Editor and Publisher.

Subscribed and sworn to before me, this 17th day of February, 1911.

S. C. Matthews, Notary Public.

NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }
County of Autauga. }

Before me, E. G. Rice, a notary public in and for said State and county, personally appeared Chas. T. Kent, who is known to me, and who, being duly sworn, deposes and says on oath, that he is the publisher of the Prattville Progress, a newspaper printed and published and of general circulation in said county, and that as such publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit: January 26th, February 2nd and February 9th, and February 16th, 1911.

Chas. T. Kent.

Subscribed and sworn to before me, this 22nd day of February, 1911.

E. G. Rice, Notary Public.

NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }
County of Elmore. }

Before me, J. S. Mullens, a notary public in and for said State and county, personally appeared H. H. Golsen, who is known to me, and who, being duly sworn,

deposes and says on oath, that he is the publisher of the Weekly Herald, a newspaper printed and published and of general circulation in said county, and that as such publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit: Jan. 26, Feb. 2, 9 and 16, 1911.

H. H. Golson.

Subscribed and sworn to before me, this 21st day of February, 1911.

J. S. Mullens, Notary Public.

By Mr. Atkins:

S. 335. For the better protection of game and to prohibit the use of automatic or repeating shot guns in hunting birds or other game.

Forestry Conservation and Preservation of Game.

By Mr. Espy:

S. 336. For the relief of Mrs. Prasby Hodges of
Revision of Laws.

With notice and proof as follows:

State of Alabama, }

Henry County. }

Before me, W. M. Hardwick, a notary public in and for said county in said State, personally came T. H. Jernigan who being duly sworn, deposes and says that he is editor and publisher of the Henry County Standard, a newspaper published in Headland, Henry county, Alabama, weekly, and that the attached notice was published in said newspaper weekly for four consecutive weeks in the issues of February 2, February 9, February 16, and February 23, 1911, and said notice is as follows:

LOCAL LEGISLATURE.

Notice is hereby given that at the present session of the Legislature a bill will be introduced to have Mrs.

Prasby Hodges a widow placed on the pension rolls in Alabama as a pensioner.

Jan. 30, 1911.

E. W. Baker.

T. H. Jernigan.

Sworn to and subscribed before me this the 28th day of February, 1911.

W. M. Hardwick, Notary Public.

By Mr. Frazer:

S. 337. To amend section 3021 of the code of Alabama of 1907. Judiciary.

By Mr. Morman. (By request.)

S. 338. To amend section 7814 of the code of Alabama of 1907.

Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Tunstall, acting chairman of the standing committee on Judiciary reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sherrod:

S. 286. To fix the times and places of holding the courts in the counties composing the Eighth Judicial Circuit of Alabama.

By Mr. Brown, W. T.:

S. 307. To amend sections 2, 3, 4 and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27, 1901.

By Mr. Parks.

H. 389. To provide for the conviction and punishment of persons entering into written contracts for the performance of an act or service and the rent of lands with intent to defraud and with like intent obtains money or property thereon.

Mr. Frazer, chairman of the standing committee on Insurance reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crumpton. (With amendment.)

S. 328. To prescribe and fix the basis upon which license fees shall be exacted by municipal corporations of foreign fire insurance corporations.

Mr. Justice, chairman of the standing committee on Public Health reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Allen:

S. 280. To amend section 735 of the code of Alabama of 1907.

By Mr. Quinn:

H. 280. To amend sections 7049, 7050, 7052, 7053, and 7054 of the code of 1907.

By Mr. Brown, of Pike:

H. 205. To provide for the regulation and licensing of Dentists in the State of Alabama; to establish a Board of Dental Examiners, to provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice Dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

By Mr. McLendon:

H. 250. To amend section 6215 of the code of Alabama of 1907.

By Mr. Greene:

H. 334. To amend an act approved August 26, 1909, entitled an act to amend section 7083 of the code of Alabama of 1907.

By Mr. McLendon:

H. 269. To better provide for reports of deaths, and to prescribe penalties for failure to comply with the provisions of this act.

Mr. Vaiden, chairman of the standing committee on Military, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vaiden:

~~S. 325. To protect and preserve military property, and to prevent improper use and disposition of such property and to provide penalties therefor.~~

By Mr. Vaiden:

S. 326. To regulate and provide for the volunteer military forces of the State of Alabama.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 104. To further define, regulate and determine who are entitled to instruction in the public schools of the State and punish violations thereof.

S. 247. To prohibit officers, aldermen and councilmen of municipalities from accepting employment from those operating public service business and to repeal all existing laws regulating or prohibiting such employment.

S. 270. To authorize the recording of certified copies of the records of deeds and the admission of such certified copy or certified copies of records thereof in certain instances in evidence.

S. 224. To ratify, confirm, and validate the census of the cities and towns in the State of Alabama, of seven thousand, and less, where the same has been taken as provided by the code of Alabama, of 1907, and the report of the same filed in the office of the secretary of State.

S. 277. To amend an act entitled an act to provide a better system of public roads for Blount county. Approved Feb. 27th, 1907.

S. 301. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

And find same correctly engrossed.

Thos. A. Curry, Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

No. 57. Relative to the return of S. 133 by the Governor.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MOTION TO TAKE FROM ADVERSE CALENDAR MADE AND
CONSIDERATION CONTINUED.

Mr. Beasley, at the request of Mr. Fite, and in pursuance of the notice given by Mr. Fite on yesterday, moved to take

S. 252. To abolish the office of State game and fish commissioner and to confer the duties and powers of such State game and fish commissioner upon the commissioner of agriculture and industries, and providing for the performance by such commissioner of agriculture and industries of the duties now conferred and required of such State game and fish commissioner without any additional compensation, and authorizing him to appoint game and fish wardens for each county of this State under the provisions of the general statutes.

From the adverse calendar, and the consideration of said motion was continued until tomorrow.

CONSIDERATION OF BILL POSTPONED.

On motion of Mr. Tunstall, the further consideration by the Senate of

H. 66. To amend sections 3 and 5 of an act entitled "An act to further regulate elections in the State of Alabama," approved Nov. 23rd, 1907.

Was continued until the 8th day of March, 1911.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 301. To regulate and provide for the location of public schools in school districts in which are located a manufacturing plant or manufacturing plants, employing fifty or more children within the school age, who are subject to the child labor law.

H. 393. To exempt from the payment of poll taxes the active members in good standing of all volunteer fire companies in incorporated towns and cities in this State.

H. 468. To amend an act entitled, "An act to create and establish the Marengo law and equity court for Marengo county," approved on the 26th day of August, 1909.

And sends the same herewith to the Senate.

Also:

H. 495. To provide for the election of a solicitor of the Walker county law and equity court and to ratify the election of solicitor held November 8th, 1910, and to fix his term of office.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama }
Walker County. }

Personally appeared before me, E. W. Long, clerk of circuit court, in and for said State and county, Frank V. Evans, editor of Walker County News, who being first duly sworn, deposes and says that the following notice was published once a week for four consecutive weeks previous to this date, in the Walker County News, a newspaper, published regular in Jasper, the

county site of Walker county, Alabama, and in said county.

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama, during the present term of the same with the purpose of having same passed and become a law.

A BILL.

To be entitled an act.

To provide for the election of a solicitor of the Walker county law and equity court and to ratify the election of solicitor held November 8th, 1910, and to fix his term of office.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That at the general election held in November, 1916, and each six years thereafter, there shall be elected a solicitor for the Walker county law and equity court. The term of office of said solicitor shall be for six years from the first Monday after the second Tuesday in January, after the election and until his successor is elected and qualified.

Sec. 2. That the election of a solicitor for said court held on November 8th, 1910, is hereby ratified and confirmed and the term of office of the solicitor then elected shall be six years from the first Monday after the second Tuesday in January, 1911, and until his successor is elected and qualified.

Sec. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Frank V. Evans.

Sworn to and subscribed before me this the 13th day of February, 1911.

E. W. Long,
Circuit Clerk.

H. 514. To establish the Monroe County Law and Equity Court, to define its jurisdiction and powers; to provide its officers, their powers, duties and compensation; to fix the terms of said Court; to prescribe rules and procedure for said Court, and to provide for the transfer of certain causes now pending in the Chancery Court for Monroe County to the docket of the Monroe County Law and Equity Court, and to abolish the said Chancery Court as now constituted for Monroe County, and to provide for the transfer of certain cases from the docket of the Circuit Court of Monroe County to the docket of the Monroe County Law and Equity Court and for their re-transfer from said Court to the Circuit Court in certain cases.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama, }
Monroe County. }

Before me, L. J. Bugg, a notary public in and for said State and county, personally appeared Q. Salter, who being by me first duly sworn, deposes and says, that he is editor and publisher of the Monroe Journal, a weekly newspaper published in Monroeville, in said State and county, and that the following notice, to-wit:

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama, a bill will be introduced to establish a new court for the county of Monroe, to be called the Monroe county law and equity court, prescribing the powers and jurisdiction of said court as now exercised by the circuit and chancery and county courts of the State, to have conferred upon said court the jurisdiction now conferred upon the chancery court in and for the county of Monroe, southwestern chancery division of Alabama, (Monroe county to be taken from said division), to have all proceedings in cases wherein jury trials have been demanded transferred

from the county court of Monroe county to said law and equity court, both now existing or hereafter arising in said county court; to have all cases hereafter arising by indictment in the circuit court of Monroe county, or now pending in said court, wherein the charge is a misdemeanor transferred to the county court of Monroe county; to provide for the transfer of indictments for felonies and civil suits from the circuit court of Monroe county to the Monroe county law and equity court for trial, and from the Monroe county law and equity court to the circuit court of Monroe county for trial. To provide for a trial fee in all causes tried in the Monroe county law and equity court; to provide for the terms of said law and equity court; to provide for the officers thereof and their compensation; to provide that the clerk of the circuit court of Monroe county shall be ex-officio clerk and register of said law and equity court and to provide for his fees and compensation.

Was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

Q. Salter.

Sworn to and subscribed before me this 16th day of February, 1911.

L. J. Bugg,
Notary Public.

H. 256. To repeal an act approved August 18th, 1909, providing for the holding of two terms each year of the circuit court of Marshall county, at Albertville.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

A BILL.

To be entitled an act to repeal an act approved August 18th, 1909, providing for the holding of two terms each year of the circuit court of Marshall county, at Albertville:

Section 1. *Be it enacted by the Legislature of Alabama*, That an act approved August 18, 1909, entitled an act "to provide for the holding of two terms each year of the circuit court of Marshall county, at Albertville, to provide for the jurisdiction thereof and to regulate proceedings therein," be and the same is hereby repealed. ~~And that all causes, civil and criminal now pending on the docket of said court will stand for trial at the county seat.~~

The State of Alabama, }
Marshall county. }

Personally appeared before me, W. M. Coleman, a justice of the peace, in and for said State and county, A. R. Kearney, editor and publisher of the Albertville Banner, a newspaper published in Marshall county, who by me being duly sworn, saith upon oath that the attached notice was published in said named newspaper for four successive weeks.

A. R. Kearney,
Publisher

Sworn to and subscribed before me on this the 23rd day of January, 1911.

W. M. Coleman,
Justice of the Peace.

H. 9. To alter or rearrange the boundary lines of the City of Greenville, so as to exclude from the City of Greenville that certain territory described as the East Half of the East Half of Section 13; and East Half of East Half of Section 24, all in Township 10, N., Range 14, E.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }
Butler County }

Before me, O. A. Lane, a Notary Public in and for said County and State, personally appeared Abe Lehman, editor of the Living Truth, a weekly newspaper

published in Butler county, Alabama, who being first duly sworn, on oath doth say that the attached notice was published and appeared in four consecutive issues of said newspaper on the following dates, to-wit: January 13, 20, 27, and February 2, 1911.

Abe Lehman.

Subscribed and sworn to before me on this the 7th day of January 1911.

O. A. Lane,
Notary Public.

NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama to convene on the second Tuesday in January, 1911, for the passage of an act to be entitled "An Act, to alter or rearrange the boundary lines of the city of Greenville, Alabama, so as to exclude from the city of Greenville that certain territory described as the east half of section 13; and the east half of the east half of section 24, all in Township 10, N., Range 14 E."

This bill will contain in substance the following provisions:

AN ACT

To alter or rearrange the boundary lines of the City of Greenville, so as to exclude from the city of Greenville that certain territory described as the east half of the east half of section 13; and east half of east half of section 24, all in Township 10, N., Range 14 E.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the city of Greenville, in the county of Butler and State of Alabama, be and the same are hereby altered and rearranged so as to exclude from the corporate limits and boundaries of said city that certain territory described as the east half of the east half of section 13; and east

half of east half of section 24, all in Township 10, N., Range 14, E.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

~~The House bills in the foregoing message were severally read once and referred to appropriate standing committees as follows:~~

- H. 301. To Education.
- H. 393. To Privileges and Elections.
- H. 468, 514, 256. To Judiciary.
- H. 495. To Revision of Laws.
- H. 9. To Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

In pursuance of House Resolution No. 70, you are hereby requested to return to the House, House Joint Resolution No. 61.

W. F. Herbert, Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall H. J. R. 70 set out in foregoing message from the House, was read and referred to the committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 151. To regulate and define the practice of Optometry in the State of Alabama, and to provide for a State Board of Examination and Registration, and to prescribe their duties.

And returns same herewith to the Senate.

W. F. Herbert, Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate concurred in the following amendment by the House to Senate bill No. 151, the title of which is set out in the foregoing message from the House, towit:

Amend section 6 by striking out the words "twenty-five dollars" where the same occur in said section and insert in lieu thereof the words "ten dollars."

Amend section 2 of the bill by inserting after the word "or," in line 9 of said section, the word "sell."

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Folmar	Rogers
Allen	Frazer	Sherrod
Atkins	Lovelace	Sloan
Beasley	Merrill	Sprott
Brown, C. W.	Moody	Stokes
Brown, W. T.	Norman	Tunstall
Curry	Plowman	Vaiden
Espy	Renfro	

—22

Nays, 0.

BILLS ON THIRD READING.

The bill:

H. 456. To amend an act to establish a county court for the county of Clay, approved December 13, 1898, and amended March 2nd, 1901, and August 6th, 1907.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Crumpton	Merrill
Allen	Curry	Miller
Atkins	Espy	Moody
Beasley	Justice	Norman
Brown, C. W.	Lovelace	Plowman

Renfro
Rogers
Sherrod

Sloan
Sprott

Stokes
Vaiden

—21

Nays, 0.

The bill:

~~S. 163 To authorize courts of county commissioners~~
or boards of revenue of any county in which the State
or federal authorities shall take or have taken up the
work of farm demonstration or the organization of farm
life clubs, to appropriate funds for aiding in such work.
Was read a third time at length and passed.
Yeas, 23; nays, 0.

Yeas:

Messrs.:

Allen

Atkins

Beasley

Brown, C. W.

Brown, W. T.

Curry

Espy

Folmar

Frazer

Justice

Lovelace

Miller

Moody

Norman

Plowman

Renfro

Rogers

Sherrod

Sloan

Sprott

Stokes

Tunstall

Vaiden

—23

Nays, 0.

The bill:

H. 328. To amend section 3684 of the code.
Was read a third time at length and passed.
Yeas, 23; nays, 0.

Yeas:

Messrs.:

Allen

Atkins

Beasley

Brown, C. W.

Brown, W. T.

Curry

Espy

Folmar

Frazer

Justice

Lovelace

Merrill

Miller

Moody

Norman

Plowman

Renfro

Rogers

Sherrod

Sloan

Spragins

Sprott

Stokes

Vaiden

—23

Nays, 0.

RECESS.

On motion of Mr. Beasley at 1:55 o'clock P. M., the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Wednesday, March 1st, 1911.

At 3:30 o'clock P. M., the Senate reassembled.

ROLL CALL.

On a call of the roll twenty-one senators answered to their names, which is a quorum of the Senate as required by the Constitution.

INTRODUCTION OF BILLS.

On a call of the districts, bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Curry:

S. 339. To submit to the qualified electors of the State, at the next general election for State officers to be held on the first Tuesday after the first Monday in November, 1912, for their consideration, an amendment to the constitution of the State of Alabama to authorize and empower the several counties to levy and collect an annual special tax additional to the tax heretofore authorized, for the erection, support and equipment of the public schools, not to exceed forty cents on each one hundred dollars of taxable property, and to provide for the disposition of the same among the several schools of the county under such regulations as the Legislature may prescribe.

Constitution and Constitutional Revision and Amendments.

RESOLUTIONS.

Mr. Sprott offered the following resolution :

S. J. R. 58. Resolved by the Senate, the House concurring, that the Committee on Rules of the Senate and House meet as soon as practicable and agree upon, and report the time for the two Houses to adjourn and to what day they shall adjourn.

Which was read and referred to the Committee on Rules.

Mr. Morrow offered the following resolution :

S. J. R. 60. Resolved by the Senate, the House concurring, that the President or presiding officer of the Senate and the Speaker of the House be and they are hereby requested to erase their signatures on Senate bill 133.

Which, under a suspension of the rules, was adopted.

COMMUNICATION.

Lieutenant Governor Seed submitted the following communication, which was read and referred to the Rules Committee:

Montgomery, Ala., Feb. 28, 1911.

To the Honorable Members of the Senate:

Hon. Sirs: The Alabama Woman's Christian Temperance Union extends to you a most cordial invitation to hear Miss Florence Ewell Atkins of Tennessee, lecture on Wednesday evening at 7:30 at Dexter Avenue Methodist church. Her subject is Esther. Mistress Atkins is a most gifted speaker. Her charm and magnetism would be difficult to describe. No admission fee is charged. Come and you will be highly entertained.

Most respectfully,

Mrs. J. B. Mells,

Cor. Sec., Ala. W. C. T. U.

RESOLUTION.

Mr. Godbold offered the following resolution :

S. J. R. 57. Be it resolved by the Senate, the House concurring, that there be and hereby is raised a commission consisting of the Governor, the attorney gen-

eral, the chairman of the Judiciary committee of the Senate, the chairman of the Judiciary committee of the House, and three members of the Alabama bar to be appointed by the governor, to report to the Legislature the condition now existing in Alabama with reference to its nisi prius courts.

Be it further resolved, That said commission be, and is hereby instructed to investigate and report to the Legislature at the present session with as much speed as the circumstances and importance of the subject will admit.

Be it further resolved, that no member of said commission shall receive any pay for his service except that the Governor be and he is hereby authorized to pay the actual expenses of the three members of the bar appointed by him, while in attendance upon such commission, by warrant drawn upon the State treasury and to be paid out of any fund of the State not otherwise appropriated.

Which was read one time and referred to the Committee on Rules, a standing committee of the Senate.

REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL.

Mr. President:

Your committee on Revision of the Journal begs leave to report that it has carefully examined the Journal of the Senate for the twenty-seventh, twenty-eight and twenty-ninth legislative days and find the same correct as to all original entries and references thereto and that the same comply with all constitutional requirements.

W. C. Crumpton,
Chairman.

REPORT.

On motion of Mr. Crumpton said report was concurred in and adopted and the Journal of the Senate for the twenty-seventh, twenty-eighth and twenty-ninth Legislative days was approved by the Senate.

REPORT FROM THE RULES COMMITTEE.

Mr. Tunstall chairman of the standing committee on Rules reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report.

~~By Mr. Spratt:~~

~~S. J. R. 58. Resolved by the Senate, the House con-~~
curring, that the committee on Rules of the Senate and House meet as soon as practicable and agree upon, and report the time for the two Houses to adjourn and to what day they shall adjourn.

Which report was concurred in and said resolution was adopted by the Senate.

PERSONAL PRIVILEGE.

Mr. Godbold arose and made the following statement as a personal privilege, and on motion of Mr. Atkins the secretary was directed to spread same upon the Journal of the Senate, to-wit:

Mr. President: There has appeared in a paper published in Birmingham, an article, which, against the advice of friends, I am going to dignify with notice. I refer Sir, to the last edition of the Citizen. In order that I may not say more than I intend in the haste of an impromptu statement, I have just written a few remarks hastily which, with the permission of the Senate I will now present.

I would like to know how and when I became so influential as to control the votes of Senators Allen, Beasley and Vaiden. I am informed that the people of my county are told that upon my shoulders rest the responsibility of the return of saloons to Alabama. And yet, there are twenty-two votes for the Parks bill and only eleven against it. Furthermore, if I understand anything at all, the Parks bill does not bring back liquor in any shape but simply authorizes the people to vote on the proposition.

Senators, it is time the era of radicalism was over. Not only as to the liquor question but in all matters of

public moment it is time for conservatism. I expected to be criticised for my vote it matters not how I voted, but never in my wildest dreams did I imagine that such an article as appeared in the Citizen would be written with reference to me, and that too by a minister of the Gospel. I am against radicalism whenever and wherever I find it. It has done more to divide families, disrupt parties and put an end to prosperity than anything I know of. I have often defended Mr. Lawrence when the defense was greeted with hisses, and have given him credit for lofty ideals and honesty of purpose. Recent developments have shown me that the "moral side" of the question has but scant consideration in some quarters, and now I find that Mr. Lawrence will not hesitate to keep up his fight if needs be at the expense of the reputation of anyone who stands in his way.

Gentlemen of the Senate, I have not much of this world's goods, but there is one thing of which I am proud, and that is a good name. My father had it before me. My wife and children are entitled to it, and God being my helper I shall have it, Mr. Lawrence to the contrary notwithstanding. And the man or set of men who seek to rob them of their birthright, can you say they follow in the footsteps of the lowly Nazarene?

I would not in my anger be unjust, and for fear that I might be I will not state all that I know. Suffice it to say Mr. Lawrence knew upon my arrival in Montgomery that I would vote for a conservative local option bill. Nay, more, he knew before the last Democratic State convention met that it was my judgment that the platform to be adopted by that body would govern. As far as attending caucuses is concerned, at no time did I enter what I considered a caucus. I did several times confer with those who sought to confer with me, but did not intentionally mislead any Senator as to how I would stand, and at no time did I pledge myself to support, or vote against any given measure. My people were very much against the late proposed constitutional amendment, and yet they elected me to the Senate over a man well known and highly respected.

I won by a close vote and hundreds of my supporters voted for me because they believed I would be conservative. I made no promises as to what I would do. I was not pledged to any measure.

We next had a contest in my county over delegates to the State convention. The local option delegation ~~won out by a large majority. The Democratic State convention then adopted a local option platform.~~ Under these circumstances did I vote right?

I need not tell you of the means resorted to get me to vote for—what? State wide! No, the Moody Dispensary bill. How they wired for my dear mother, how they did get my father here, and I need not tell you that father and mother believed in their son, and know that he did what he believed to be right. Listen to this:

The offending article published in the Alabama Citizen is as follows:

"These two, Senator Godbold of Wilcox county and Senator Merrill of Cleburne county. Senator Godbold was a frequent if not a regular attendant with the other state-wide prohibition Senators in their caucuses, and at the time of the organization of the caucus when Senator Plowman of Talladega county was made caucus chairman, Senator Crumpton of Conecuh county and Senator Godbold were elected joint floor leaders for the fight on the floor of the Senate to protect the prohibition laws against the Parks bill.

"Senator Merrill attended one of these caucus meetings and his promise was given to several of the prohibition Senators until a day or two before the vote was taken. Both Senators Merrill and Godbold were active for the amendment in 1909 and had these two Senators maintained their allegiance to the principle of state-wide prohibition, we have every reason to believe that Senators Allen, Beasley and Vaiden would have voted against the Parks bill, making the vote 17 to 17, making it necessary for Lieutenant Governor Seed to cast the deciding vote. This would have resulted in a vote of 18 to 17 against the bill and the homes of Alabama with their precious mothers, wives, and children

would have been protected from the blighting influences of the legalized sale of liquor.

"We make no comment upon the action of the Senators simply setting forth conditions as reported by the prohibition senators and certain constituents of these five senators.

"The Pine Hill Blade," published by Mr. P. E. Godbold, a brother of the Senator, in an editorial criticising the action of the two representatives in the House from Wilcox county and the two members from Marengo county says:

The members of the House of Representatives from Wilcox and Marengo counties voted for the local option bill, stating that in so doing they were representing the will of the democracy of their respective counties which elected them to office. Now, it so happens that the two senators, Godbold and Miller representing these same two counties, are against the Parks bill. They, too, were elected by the democracy of these same two counties, and claim that they are representing the will of their constituency. As is well known these two gentlemen, Godbold and Miller, were not only openly avowed state-wide prohibitionists, but committed the "unpardonable" political sin of voting and working for the constitutional amendment in 1909. Notwithstanding their well known attitude for State wide prohibition, both were elected over their opponents, who were local optionists, by a handsome majority, even though they were pledged against the repeal of the State wide laws.

"Showing that the people of Wilcox county expected Godbold to vote against the Parks bill.

"In the same issue it says further: 'The two representatives from Wilcox voted for the Parks bill. The Senator from Wilcox is against the Parks bill.

Mr. Godbold then read from the Citizen the offending article which is given below, and continuing he said:

"I am informed that the wiring to my father and mother was done by Rev. E. A. Page, and I am informed that he is now with the Alabama Anti-Saloon League. He knows himself to be the editor of the Pine Hill

Blade and, now hear this letter from brother that the Citizen was requested to publish.

February 27th, 1911.

"The Citizen, Rev. Brooks Lawrence,
Managing Editor, Birmingham, Ala.

"Dear Sir: In justice to myself and brother, Senator N. D. Godbold, the impression conveyed, or sought to be conveyed, by the article of the Citizen of February 25th, seeking to impugn the motives of Senator Godbold for his support of the Parks local option bill, and referring to me as publisher of the Pine Hill Blade, quoting from editorials appearing in the Blade, must be corrected.

This article leaves the impression in the minds of all readers, not familiar with facts that I am publisher of the Pine Hill Blade and as such, responsible for the editorials quoted, whereas such is not the fact, by any means.

The Pine Hill Blade is published by a stock company, of which I am business manager, and Rev. E. A. Page, (also reported to be assistant editor of the Citizen), is editor, which information is published in every issue of the Pine Hill Blade.

As every one familiar with the management of newspapers know, numerous articles appear on the editorial page contrary to the views and without the sanction of the business manager.

Asking that you give this letter the same publicity as was given the article referred to, I am,

P. E. Godbold, M. D."

"Now tell me who is honest?" resumed Senator Godbold.

"Senators, I expect to go down into my grave an honest man, and I feel that each of you know it. I, together with other Senators have been charged with corruption. I demand the proof. It is up to the Senate. Vindicate us or condemn us. There are many things I could say, but I had best leave them unsaid."

As Mr. Godbold took his seat, Senator Atkins moved that his speech be spread on the minutes of the Senate, and without a dissenting vote, it was so ordered:

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bill:

S. 163. To authorize courts of county commissioners or boards of revenue of any county in which the State or federal authorities shall take or have taken up the work of farm demonstration or the organization of farm life clubs, to appropriate funds for aiding in such work.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE GOVERNOR.

March 1st, 1911.

To the Senate: In response to your resolution I herewith return Senate Bill No. 133.

Emmett O'Neal,
Governor.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The Committee on Enrolled bills have examined the following Senate bills:

S. 45. An act to increase the salary of the solicitor of Montgomery county from \$3,000.00 to thirty-six hundred dollars (\$3,600.00.)

S. 188. An act to provide for the appointment by the sheriff of Jefferson county, Alabama, of the necessary bailiffs for the city court of Birmingham; and to provide for the payment of their compensation.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly

read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled bills.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

SPECIAL ORDER SET.

On motion of Mr. Atkins

H. 128. To regulate the sale of stocks of merchandise in bulk or substantial portions thereof not in ordinary course of trade and to establish a rule of evidence relative to the same.

Was made a special order for 11:30 o'clock on tomorrow morning.

BILLS ON THIRD READING.

The bill:

S. 308. To amend sub-division 2 of section 2061 of the code of 1907.

Was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Merrill	Rogers
Brown, C. W.	Miller	Sprott
Curry	Moody	Stokes
Espy	Norman	Tunstall
Folmar		

—18

Nays, 0.

The bill:

S. 271. To amend section 2974 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.	Fite	Rogers
Allen	Godbold	Sherrod
Atkins	Justice	Sprott
Beasley	Merrill	Stokes
Brown, C. W.	Moody	Tunstall
Curry	Norman	Vaiden
Espy	Renfro	

—19

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 28. To provide for and regulate the manufacture and sale of "Commercial Feeding Stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing such "Commercial Feeding Stuffs" and to fix penalties for violations of this act.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Sherrod, the Senate concurred in the following amendment by the House to Senate bill No. 28 the title of which is set out in the foregoing message from the House, to-wit:

Amend section 10, line 28, page 5, by inserting the following words: "cobmeal, rice hulls, peanut hulls or" immediately after the word "with."

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Miller	Sloan
Brown, C. W.	Moody	Sprott
Curry	Norman	Stevens
Espy	Renfro	Stokes
Folmar	Rogers	Tunstall
Godbold	Sherrod	Vaiden
Merrill		

—18

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 213. To create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited act relating thereto.

H. 421. To amend section 3234 of the code of 1907, of Alabama.

H. 425. To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

H. 328. To amend section 3684 of the code.

H. 456. To amend an act to establish a county court for the county of Clay, approved December 13, 1898, and amended March 2nd, 1901, and August 6th, 1907.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present:

MESSAGE FROM THE HOUSE.

Mr. President:

~~The House has elected Hon. H. P. Merritt of Macon~~
as Speaker pro tempore of the House of Representatives for today.

W. F. Herbert,
Clerk.

ADJOURNMENT.

At 4:32 P. M., on motion of Mr. Sherrod, the Senate adjourned until eleven o'clock tomorrow morning.

THIRTY-FIRST DAY.

Thursday, March 2nd, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Mr. Norman of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs.	Godbold	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Screws
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Espy	Norman	Tunstall
Folmar	Plowman	Vaiden
Frazer		

—31

JOURNAL.

On motion of Mr. Plowman the reading of the Journal was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. H. F. Reese, Sr., E. A. Smith, S. W. Welch, T. A. Wilson, P. J. Arnold, Judge W. T. Coleman, for today

JOINT RESOLUTION.

Mr. Vaiden offered the following joint resolution:

RESOLUTION.

S. J. R. 62.

Be it resolved by the Senate, the House of Representatives concurring therein, petitioning and requesting that an appropriation by the Congress of the United States to have a survey of the Cahaba river from its mouth in Dallas county along and through Perry and Bibb counties, to its source in Jefferson county at the east fork of said river, or to whatever point it may appear feasible for its improvement as a canal; and for such other or further appropriations if said river is found suitable for navigation of transportation purposes.

Which was read one time and referred to committee on Rules.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Allen:

S. 340. Providing for a topographic survey and map of Alabama.

Revision of Laws.

By Mr. Stevens:

S. 341: To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and ~~their terms of office and retention in and recall from~~ office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, council-

men, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

Municipalities and Municipal Organizations.

REPORTS OF COMMITTEES.

Mr. Plowman, chairman of the standing committee on Finance and Taxation reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Plowman:

S. 333. To amend sections 2340, 2341, 2343, and 2344, of the code of Alabama.

Mr. Norman, chairman of the standing committee on Local Legislation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Long:

H. 9. To alter or rearrange the boundary lines of the city of Greenville, so as to exclude from the city of Greenville that certain territory described as the east half of the east half of section 13; and east half of east half of section 24, all in township 10 N., range 14, E.

By Mr. Walker:

H. 457. To transfer certain portions of the fine and forfeiture fund of Coosa county to the general road fund of Coosa county and to authorize the commissioner's court to expend the same on the public roads.

By Mr. Hollis, of Walker County:

H. 484. To amend section two of an act, entitled "An act to create the office of official stenographer of Walker county, to provide for his appointment, fix his

compensation and define his duties, and provide for special stenographers in certain cases." approved Aug. 9, 1907.

Mr. Stevens, chairman of the standing committee on Judiciary reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

H. 514. To establish the Monroe county law and equity court; to define its jurisdiction and powers; to provide its officers, their powers, duties and compensation; to fix the terms of said court; to prescribe rules and procedure for said court, and to provide for the transfer of certain causes now pending in the chancery court for Monroe county to the docket of the Monroe county law and equity court, and to abolish the said chancery court as now constituted for Monroe county, and to provide for the transfer of certain cases from the docket of the circuit court of Monroe county to the docket of the Monroe county law and equity court and for their re-transfer from said court to the circuit court in certain cases.

Mr. Espy, chairman of the standing committee on Penitentiary, Prisons and Punishment reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stevens:

S. 263. To further prescribe and define the duties of the State prison inspector.

~~Mr. Sherrod, chairman of the standing committee on~~
Revision of Laws reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

S. 331. To authorize and empower the judges of the several law and equity courts in this State established by the present session of the Legislature of Alabama, or that may hereafter be created, to set down for trial any cause pending in said court; and to repeal any and all local laws to the contrary.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 308. To amend sub-division 2 of section 2061 of the Code of 1907.

S. 271. To amend section 2974 of the code of Alabama.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his Excellency the Governor with his objections and proposing an amendment to

H. 151. To repeal section 14 and to amend sections 15 and 16 of an act approved August 19, 1909, providing for the construction, maintenance, improvement and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor.

And the House has amended the bill as proposed by the Governor by adopting and concurring in such proposed amendments.

Yeas, 60; nays, 0.

Which is a majority of the whole number elected to the House and the House herewith sends said bill with the Governor's message and proposed amendments herewith to the Senate.

W. F. Herbert,
Clerk.

March 1st, 1911.

To the House of Representatives:

I herewith return House bill 151 without my approval, and suggest the following amendment to meet my objection:

After the word "each" at the end of the fifth line in section 2 of said bill and before the word "preceding" in line six of said bill, insert the word "year."

Emmett O'Neal,
Governor.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Tunstall the Senate concurred in and adopted the amendments proposed by the Governor to H. 151, the title of which is set out in the foregoing message from the House, and the proposed amendments thereto, are set out in the foregoing message from the Governor.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Espy	Plowman
Morrow, Pres. Pro tem	Folmar	Rogers
Allen	Kilby	Sloan
Atkins	Merrill	Spragins
Beasley	Miller	Sprott
Brown, C. W.	Moody	Stevens
Brown, W. T.	Moulthrop	Stokes
Curry	Norman	Vaiden

—23

Nays, 0.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following joint resolution 60, relative to the erasure of signatures from S. 133.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

ERASURE OF SIGNATURE.

In accordance with S. J. R. 60 and upon motion of Mr. Morrow the President of the Senate in the presence of the Senate erased his signature from S. 133, and ordered same sent to the House for the erasure of the signature of the Speaker thereof.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 184. To prohibit the transportation of cotton seed and unginned cotton from any county in Alabama where the cotton boll weevil is known to exist to any county in Alabama where the cotton boll weevil is not known to exist, and to provide for the condemnation and destruction of any cotton or cotton seed so shipped.

H. 363. To amend section 2846 of the code of Alabama.

H. 498. To fix the punishment for an assault with intent to ravish, crime against nature, or an attempt to commit rape.

H. 510. To amend Sections one, eight, and nine of an Act entitled an Act to provide for the investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this Act, approved August 31st, 1909.

H. 261. To regulate proceedings in the supreme court in cases which, in the opinion of that court, should be reversed because the judgment of the lower court is excessive, and there is, in the opinion of the supreme court, no other ground of reversal.

H. 382. To repeal section 2409 of the code of Alabama.

H. 300. To authorize the reformation of deeds, mortgages, and other conveyances of land, containing an erroneous description, at the suit of any person claiming title directly or remotely from the grantee in such deed, mortgage or other conveyance.

H. 149. To amend section 6701 of the code of Alabama.

And send the same herewith to the Senate.

Also:

H. 442. To repeal an act entitled an "act to fix and regulate the ex-officio fees of the sheriff of Limestone county, Alabama," approved March 5th, 1901.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }
Limestone County. }

Personally appeared before me, Fred Wall, a notary Public, in and for said county and State, Robert M. Rawls, who, being by me first duly sworn, deposes and says that he is the editor and publisher of The Alabama Courier, a newspaper of general circulation, published weekly in Limestone county, Alabama; that the notice attached hereto as "Exhibit A" was published in said Alabama Courier, without cost to the State, once a week for four consecutive weeks, prior to February---- 1911; said paper being published on Wednesday of each and every week and said notice appeared in the issues on the following dates: Dec. 21, 1910; Dec. 28, 1910; January 4, 1911; January 11, 1911. Said paper being published in said county of Limestone, Alabama, in which county is situated the matter or thing to be affected.

Robt. M. Rawls,
Editor and Publisher Ala. Courier.

Sworn to and subscribed before me this the 9th day of February, 1911.

Fred Wall.
Notary Public.

LEGAL NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to convene on the second Tuesday in January, 1911, for the passage of the following bill:

AN ACT

To repeal an act entitled, "an act to fix and regulate the ex-officio fees of the sheriff of Limestone county, Alabama," approved March 5, 1901.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled, "an act to fix and regulate the ex-officio fees of the sheriff of Limestone county, Alabama," approved March 5, 1901, be and the same is hereby repealed.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 184. To Agriculture.

H. 363, 382. To Judiciary.

H. 498, 510, 261, 300, 149. To Revision of Laws.

H. 442. To Fees and Salaries.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House has erased his signature from S. 133 in accordance with S. J. R. heretofore adopted.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

CONSIDERATION OF SPECIAL ORDER.

The Senate proceeded to consider the special order set for 11:30 o'clock, Friday, February 11, 1911, which was,

S. 117. To establish a court of appeals for the State of Alabama.

Mr. Stevens moved to reconsider the vote by which the three amendments were adopted, on the 10th day of February, 1911.

Which motion prevailed and the vote by which said amendments were adopted was reconsidered, and on motion of Mr. Stevens all three of said amendments were laid upon the table.

Mr. Beasley then offered the following motion relative to said bill:

I move that consideration of Senate bill 117 be postponed temporarily to await action by the Legislature on the special message of the Governor with regard to conditions prevailing in the nisi prius courts and consideration and report upon the provisions of a bill creating a Court of Appeals or such other recommendations as may be found proper and expedient to relieve the condition of the judiciary in Alabama, including the Supreme Court.

Which on motion of Mr. Stevens was laid on the table.

Yeas, 23; nays, 6.

Yeas:

Messrs.:	Godbold	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Sherrod
Atkins	Lovelace	Spragins
Brown, C. W.	Merrill	Stevens
Curry	Miller	Stokes
Espy	Moody	Tunstall
Folmar	Moulthrop	Vaiden

—23

Nays—Messrs. Beasley, Brown, W. T., Crumpton, Norman, Plowman and Sprott—6.

Mr. Stevens then offered the following amendment to said bill, to-wit:

Strike from the second line of section 1 of the bill the following words: "One presiding judge and two" and substitute in lieu thereof the word "three."

Strike out section 2 of the bill, and substitute in lieu thereof the following:

"Sec. 2. Said court, except as to actions involving the title to or possession of lands and except as herein otherwise provided, shall have final appellate jurisdiction, co-extensive with the State, of all suits at law where the amount involved, exclusive of interest and costs, does not exceed the sum of one thousand dollars, of all misdemeanors, including the violation of town and city ordinances, bastardy, habeas corpus and all felonies, where the punishment has been fixed at twenty years or under. Where there is a recovery of such in the court below of any amount other than costs, the amount of such recovery shall be deemed to be the amount involved, otherwise the amount claimed shall be deemed to be the amount involved, except that in actions of detinue the alternate value of the property as found by the court or jury shall be deemed to be the amount involved. Provided, however, that if the validity of a statute of this State or of the United States is involved, said Court of Appeals shall so certify and thereupon the transcript and all papers in said cause with such certificate shall be transmitted to the Supreme Court, and all proceedings conducted thereunder as if said cause had been appealed originally to said supreme court. Provided further, that if the judges of said court are unable to reach an unanimous conclusion or decision in any case or matter before them, any one of said judges may certify to the Supreme Court any question or questions of law as to which said judges differ, stating such questions as abstract propositions, and the Supreme Court shall give its opinion upon the question so certified, and the opinions thus given by the supreme court shall be given the same effect by said court of appeals as it is required to give to the decisions of said supreme court. The said court of appeals shall have and exer-

cise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. It shall have authority to issue writs of injunction, habeas corpus, and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdictions inferior to it and in matters over which it has final appellate jurisdiction; to establish rules of practice in such courts; to punish for contempt by the infliction of a fine as high as one hundred dollars and imprisonment not exceeding ten days, one or both; and to exercise such other powers as may be given to such court by law. Appeals to said court shall be taken in the manner and with the effect and subject to the limitations and restrictions now, or hereafter, provided by law with respect to appeals to the supreme court and the rules and regulations now, or hereafter, obtaining with respect to applications for rehearings in the supreme court shall apply to said court of appeals.

Strike out section 3, and insert in lieu thereof the following:

Sec. 3. The judges of said court shall have authority to issue writs of certiorari and supersedeas to all inferior courts and writs of injunction, subject to the limitations prescribed by law.

Strike from the fourth section of the bill, the latter part thereof, which reads as follows: "Said court shall be authorized to hold its sessions in the supreme court chamber at such times as will not interfere with the business of the supreme court.

Strike out section five of the bill and insert in lieu thereof the following:

Sec. 5. The Governor, the chief justice of the supreme court and the presiding judge of said court of appeals shall select suitable and adequate quarters in the State Capitol for the holding of the sessions of the said court and for the use of the judges and other officers of the said court.

Strike from section eight of the bill the words, "Presiding Judge and other."

Strike out section nine of the bill and insert in lieu thereof the following:

Sec. 9. The judges first constituting said court shall be appointed by the Governor, subject to approval by the State Senate. The term of office of the judges so appointed shall be six years from the time of their confirmation by the Senate and until their respective successors are elected and qualified. The elections of the judges of said court shall be held in the general November election next preceding the expiration of the term of office of the said judges and every six years thereafter, and the term of office of the judges elected at such elections shall be six years. In case of a vacancy in the office of any of the judges, the Governor shall fill the vacancy. The judge of said court who has served the longest in such capacity shall be its presiding judge, and in all cases of equal seniority, the presiding judge shall be selected by lot from the judges who are so situated, and shall serve as such presiding judge for the term which he is then filling as a judge of the said court.

Add to the bill at the end thereof the following additional sections:

Section 18. The said court shall conform to the law and rules now or hereafter governing the supreme court of Alabama with respect to the writing and publication of opinions and the supreme court reporter shall report the opinions and decisions of said court of appeals in all respects as he is now or hereafter may be required by law to report the decisions and opinions of the supreme court and for such services the said reporter shall receive the same compensation that he is now, or hereafter may be, authorized by law to receive for like service rendered with respect to the supreme court decisions and opinions. The opinions and decisions of said court of appeals so reported shall be printed and bound in the same general manner and style as the supreme court reports, and shall be styled "Alabama Appellate Court Reports," and shall be numbered seriatim, and the expense of publishing the same shall be paid as the expense of publishing the supreme court reports is paid.

Section 19. The attorney general in person or by assistant must attend on the part of the State to all criminal cases and all civil suits in which the State is a party in said court of appeals.

Which was adopted.

Yeas, 23; nays, 4.

Yeas:

Messrs.:	Godbold	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Sherrod
Atkins	Lovell	Spragins
Brown, C. W.	Merrill	Stevens
Curry	Miller	Stokes
Espy	Moody	Tunstall
Folmar	Moulthrop	Vaiden

—23

Nays: Messrs. Beasley, Brown, W. T., Crumpton and Norman.—4.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 6.

Yeas:

Messrs.:	Justice	Rogers
Morrow, Pres. Pro tem	Kilby	Sherrod
Allen	Lovell	Spragins
Atkins	Merrill	Stevens
Brown, C. W.	Miller	Stokes
Curry	Moody	Tunstall
Espy	Moulthrop	Vaiden
Folmar	Renfro	

—22

Nays:

Messrs.:	Crumpton	Sloan
Beasley	Norman	Sprott
Brown, W. T.		

—6

PAIRS ANNOUNCED.

Mr. Godbold announced that he and Mr. Fite, who is absent, were paired on this vote.

That if Mr. Fite were present, he would vote "nay," and that he, Mr. Godbold, would vote "Yea."

CONSIDERATION OF MOTION CONTINUED UNTIL
WEDNESDAY.

Mr. Beasley, at the request of Mr. Fite, moved to postpone the consideration of Mr. Fite's motion to take S. 252 from adverse calendar until Wednesday, the 8th day of March, 1911.

MESSAGE FROM THE GOVERNOR.

March 2nd, 1911.

To the Senate:

I hereby send for your advice and consent the following nomination:

A. E. Walker, as superintendent of Banks.

Emmet O'Neal,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Stevens the Senate consented to and confirmed the appointment by the Governor of A. E. Walker, as superintendent of banks as set out in the foregoing message from the Governor.

Yeas, 26; nays, 0.

Yeas:

Messrs.	Godbold	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Atkins	Kilby	Sloan
Beasley	Lovell	Spragins
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Moody	Stokes
Curry	Moulthrop	Tunstall
Espy	Norman	Vaiden

Nays, 0.

NOTICE.

Mr. Moulthrop gave to the Senate the following notice in writing:

NOTICE.

Notice is hereby given that I will, on tomorrow, move to reconsider the vote by means of which the Governor's appointment of Hon. A. E. Walker was confirmed by the Senate.

Moulthrop.

CONSIDERATION OF SPECIAL ORDER.

The Senate then proceeded to consider the next special order of the day, which was,

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

Mr. Sprott offered the following amendment to said bill:

1st. Amend by striking out words in 1st line "Amend chapter 242 of code and."

2nd. Amend by striking out the words "and summoned" from the 4th line of section 32.

3rd. Amend by striking out words "and summoned" in last line of section 34.

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Godbold	Norman
Beasley	Justice	Sloan
Brown, C. W.	Kirby	Spriggins
Brown, W. T.	Lovlace	Sprott
Crumpton	Miller	Stokes
Curry	Moody	Vaiden
Folmar		

Nays, 0.

Mr. Crumpton from the special committee heretofore appointed to consider pending bills and amendments relating to the jury laws, made following report and offered the following as a substitute for pending bill as amended:

We, the undersigned, having been heretofore appointed as a joint committee from the Senate and the House to consider all amendments and bills affecting the jury law, beg leave to report that we have examined all bills and amendments affecting said law and as the result of our investigation hereby offer as a substitute for all such bills and amendments the bill hereto attached.

Respectfully submitted,

W. C. Crumpton, A. M. Tunstall, Committee from the Senate.

John R. Bell, Edwin C. Page, W. W. Lavender, W. H. Knight, J. R. Pharr, Committee from the House.

A bill to be entitled an act to amend "An act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of said commission and regulate the empanelling of grand and petit juries in all the courts of this State," which act was approved August 31, 1909, in so far as the same shall apply to counties which now have a population of forty thousand or less, according to the last federal census, or any federal census hereafter taken.

Be it enacted by the Legislature of Alabama, That an act "to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all the courts of this State," approved August 31, 1909, in so far as the same shall apply to counties having a population of forty thousand or less, according to the last federal census or any federal census hereaf-

ter taken, be and the same is hereby amended so as to read as follows:

Section 1. That the court of county commissioners, or members of the boards of revenue of the several counties, not including the judge of probate, be and are hereby constituted a board of jury commissioners for their respective counties.

Section 2. No person except as herein otherwise provided shall be eligible to hold office as a jury commissioner who holds any other office under federal, State, county or municipal government, nor who is a deputy, or clerk, assistant clerk, or employee of any such officers, nor who is or becomes employed by any person, firm, or corporation, who is a party to any suit triable by juries pending in any State court of record in the county.

Section 3. The commissioners shall elect one of their number president of the commission, and any three commissioners shall be a quorum for the transaction of business. Every commissioner before entering upon the discharge of his duties must take the oath of office prescribed by section 279 of the Constitution. Each commissioner shall receive the same compensation, while discharging the duties of jury commissioner as is paid to members of the court of county commissioners or board of revenue, of their respective counties, while discharging the duties of such offices.

Section 4. In the event that two of the jury commissioners are absent from the State, sick, or for any reason, cannot discharge the duties imposed upon them by this act, then the other jury commissioners shall notify the circuit judge or judge of a court of like jurisdiction, residing in the circuit or county, to appear and to take the place of one of such absent members, and in such case, the said judge and two commissioners shall constitute a quorum, and if no such judge is present or able to serve, such jury commissioner shall immediately notify the governor who shall appoint a competent person to act as jury commissioner until a quorum of the regular jury commissioners are present and able to discharge their duties.

Section 7. Any commissioner, who neglects to perform any duty imposed upon him by this act, or any person who being duly summoned to attend before the commission, willfully fails to do so, or attending, refuses to testify, is guilty of a misdemeanor.

Section 8. The jury commission shall obtain the names of every male citizen of the county over twenty-one and under seventy years of age, and their occupation, and place of residence, including the number of the beat in which they reside, and place of business, and shall perform all other duties required of them by law.

Section 10. The jury commission shall meet in the court house at the county seat of the several counties on the first Monday in October, 1911, or as soon thereafter as practicable, and shall make in a well bound book a roll of every male citizen living in the county, who possesses the qualifications herein prescribed, and who is not herein specifically exempted from serving on juries. The roll shall be arranged alphabetically and by precincts in their numerical order, and the commissioners shall cause to be written on the roll opposite every name placed thereon the occupation and residence and place of business of every person selected, and if the residence has a street number, it must be given. Upon the completion of the roll, the commission shall cause to be prepared plain, white cards, all of the same size and texture, and shall have written or printed on such cards, the name, occupation and place of residence and place of business of the person, whose name has been placed on the jury roll; writing or printed, but one person's name, occupation, and place of residence, and place of business, on one card; these cards shall be placed in a substantial metal box, provided with a lock and two keys, which box shall be kept in the safe or vault in the office of the judge of probate, and if there be none in that office, the commission shall deposit it in any safe or vault in the court house to be designated on the minutes, and one of said keys shall be kept by the president of the commission. The other of said keys shall be kept by a judge of a court of record having juries other than the probate or circuit court and in

counties having no such court, then by the judge of the circuit court for the sole use of the judges of the courts of said county needing jurors.

Section 11. The jury commission shall place on the jury roll and in the jury box the names of all male citizens of the county, who are generally reputed to be honest and intelligent men, and are esteemed in the community for their integrity, good character, and sound judgment, but no person must be selected who is under twenty-one, or over seventy years of age, or who is an habitual drunkard, or who being afflicted with permanent disease or physical weakness, is unfit to discharge the duties of a juror, or, who cannot read English, or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English and has all the other qualifications prescribed herein and is a freeholder or house-holder, his name may be placed on the jury roll, and in the jury box. The jury box referred to in this act shall be a box with as many compartments in the said box as there are beats in the county, and each of said compartments shall be numbered to correspond with the numbers of the beats and the jury commissioners shall place the names of the qualified jurors residing in each beat in the compartment in the said jury box which corresponds with the number of the beat in which such juror resides. And it is hereby made the duty of the jury commissioners to procure at the expense of the county a jury box as herein provided.

Section 12. Whenever the names in the jury box are exhausted, or so far depleted that they will probably be exhausted at the next drawing of the jurors, the commission must proceed to make and certify a new roll, and deposit the names in the box in all respects as provided for in this act; and for this purpose, the jury commission must meet whenever it is necessary and re-fill the jury box.

Section 13. The following named persons, and none others, are exempt from jury duty: School teachers, while actually engaged in teaching; judges and clerks of the several state and federal courts; attorneys at

law, actually engaged in the practice; practicing physicians, surgeons, dentists and licensed pharmacists; nurses, officers and servants of any hospital; the sheriff and his deputies, U. S. Marshall, and his deputies; train dispatchers and chief telegraph operators; police officers of any municipality; all officers and members of any regular paid fire department in active service; all state and county officers, and justices of the peace; post masters; superintendents of railroads and their chief clerks; superintendents of street railroads; licensed engineers and pilots of any boats plying the waters of this state; railway mail clerks; railroad station agents and superintendents of mines, while engaged in their respective occupation; druggists in towns having only one drugstore.

Section 14. The jury commission is charged with the duty of seeing that the name of every person possessing the qualifications prescribed by this act to serve as a juror shall be placed on the jury roll and in the jury box, and they may summon and cause to attend before them any person residing within the county and examine him on oath, touching the name, residence, occupation and qualifications of any person residing in the county. The commission must not allow initials only to be used for a juror's name, but one full Christian name, or given name, shall in every case be used, and in case there are two or more persons of the same or similar name, the name by which he is commonly distinguished from the other persons of the same or similar name, shall also be entered as well as his true name.

Section 15. Before the adjournment of any term of the court requiring jurors for the next term, the judge, or where there is more than one, then any two of the judges of the court shall draw from the jury box in open court the names of not less than fifty persons to supply the grand jury for such term and petit juries for the first week of such term of the court, or if a grand jury is not needed for that term, the names of at least thirty persons shall be drawn, and as many more persons as may be needed for jury service in courts having more than one division for the first week, and not less than

thirty persons and as many more as may be needed for jury service in courts requiring juries for the second and any subsequent week, and such names shall be drawn from the respective compartments in the jury box, so as to secure as nearly as possible, jurors from all parts of the county, and after each name is drawn it shall not be returned to the compartment in the jury box or to the jury box from which it was taken and there shall be no selection of names. And the said judge or judges must seal up the names thus drawn for the first week in an envelope and the names thus drawn for the second or any subsequent week in separate envelopes writing across the seal on said envelope his name, and deliver the same to the clerk of the court, without disclosing the names of those who are drawn, and the clerk of such court must retain the envelopes containing the names of jurors who are drawn, so delivered to him without opening the envelope until twenty days before the first term of the court for which the jurors are to serve, whereupon, the clerk shall open the envelope in the presence of the register in chancery, in those counties having a register in chancery, whose office is separate and apart from that of the clerk of the court, otherwise, in the presence of the county treasurer, and make a list of the names drawn, showing the date on which the jurors shall appear and in what court they shall serve, entering opposite every name the occupation of the person, his place of business, and of residence, showing the beat number, and issue a venire containing said names and information to the sheriff who shall forthwith summons the persons named thereon to appear and serve as jurors. If, for any reason, the judge fails before the adjournment of the court, to draw the ~~juries for the next term of the court, whether it be an adjourned term, special term, extra term, or regular~~ term, he shall, at least twenty days before the beginning of any of these terms, draw the jurors which he should have drawn before the adjournment of the last term. If, for any reason, the judge of the court fails to draw the juries as required in this section before the twenty days above mentioned, the clerk of such court

shall notify the judge of any court of record, excepting the judge of probate, residing nearest the place of holding the court, and it shall be his duty upon receiving such notification to immediately draw the juries for the next term of the court in the manner herein provided.

Section 16. The sheriff shall execute every order to summon jurors, except as otherwise provided herein, by giving personal notice to every such person, or by leaving a written notice at the place of his residence with some member of his family, or some person residing in the same house, at least two days before the day appointed for the service of the juror in court, which order must be returned to the clerk of the court whence it is issued with the proper return thereon, showing the manner of service, by the sheriff, on or before the day appointed for the appearance of the juror.

Section 17. If the sheriff, or any deputy, shall negligently fail to summon any person to serve as a juror whom he is commanded to summon, he shall be held and deemed guilty of contempt of court, and it shall be the duty of the court to fine him not more than one hundred dollars in every case where the person is not so served, and he may also be imprisoned in the county jail for not more than five days. The return of any such person as "not found" shall be prima facie evidence on the part of the sheriff, or deputy making the return, and he shall be punished by the court unless the court is reasonably satisfied from evidence produced, that, he was not negligent. If the sheriff fails to summon any juror drawn, or any person summoned fails, or refuses to attend the trial, or there is any mistake in the name of any person drawn, or summoned, none, or all of these grounds shall be sufficient to quash the venire, or continue the cause. No juror drawn or summoned under this act shall be required to serve as such until the first Monday in January, 1912, and all jurors required for service up to that time shall be drawn, summoned and empanelled, and shall serve under the law in force prior to the passage of this act.

Section 18. The court shall require all persons named in the venire to be called, and shall then hear all ex-

cuses and claims of exemptions and disqualifications, and after passing upon all of the excuses or claims, shall cause the names of all jurors in attendance upon the court on that day, and who have not been excused by the court, to be written on separate slips of paper or cards; and placed in a hat, or box and thereupon, the judge of the court must in open court, draw from the hat or box, at terms requiring grand juries, the names of eighteen jurors who shall be empanelled and sworn as the grand jury for that term of the court, provided, that only one grand jury is authorized by law for that term, but if more than one grand jury is authorized by law for such term, then said jurors, so empanelled, shall be the first grand jury for said term, and any subsequent grand jury, or grand juries, for such term as is now or may hereafter be authorized by law, must be drawn, summoned, sworn and empanelled, as provided in this act, during the said term, and the venire for same may contain such number of names as the judge may deem necessary. The judge must then proceed to draw from the hat or box, the names of twelve jurors who shall be empanelled and sworn as petit jury number one, and in like manner, the judge must draw and empanel, and swear petit jury number two, and when necessary, as many more jurors as the judge or judges of the court may deem proper, all of whom shall serve as petit jurors for that week, unless discharged sooner by the court, and may be required to serve till any case on trial is determined. If petit juries are needed for any week or weeks of the term after the first week, the judge or any two judges of said court, if there are more than one judge, shall, in like manner, at such times as to him or them may seem best, draw from the jury box such number of names not less than thirty, for each of such ~~subsequent weeks, as will, in the discretion of such~~ judge or judges, be sufficient for the week for which same are drawn; provided, that no name shall be drawn for any week after the first week of the term, more than twenty days before the first day that such juror is to serve. The clerks shall issue venires for the jurors so drawn and they be summoned for their respective weeks

and sworn and empanelled in the same manner as petit jurors for the first week of the term.

Section 19. The names of all jurors drawn and summoned under this act who are not empanelled shall forthwith be returned by the judge to the jury box in open court unless they are disqualified or are exempt. The clerks of the several courts in which juries are empanelled shall from time to time, as the juries are empanelled, certify to the jury commission the names of all persons so empanelled, and the jury commission shall note opposite the names of such persons on the jury roll, the date on which and the court in which they were empanelled. The clerk of the several courts shall also certify to the jury commission the names of all persons who have been found by the court to be disqualified, or exempt, which fact shall be noted opposite their respective names, on the jury roll.

Section 20. Whenever there are not enough qualified jurors in attendance upon the court to form the juries required, the judge of the court shall draw from the jury box names of as many jurors as he may deem necessary, who are then within, or reside within five miles of the court house, or if the court is held in a city having more than ten thousand inhabitants by the federal census, who resides, or who are within the corporate limits of such city, to complete all juries then required and shall require the sheriff forthwith to summon all jurors thus drawn to attend court when required, and he may summon them by personal service, or by telephone or telegraph, or may in like manner order a deputy, or special deputy to summon them, or may by telephone or telegraph, direct a deputy to summon such jurors. The court shall then proceed to empanel, or complete the empanelling of the juries as provided in this act. In the event the juries, either grand or petit, after being completed should be reduced from any cause to below the number required by law, the court shall in the manner prescribed in this act supply all deficiencies in the number of any such jury in the court.

Section 21. Whenever it shall appear to the judge drawing tales jurors for service in any case, that, the

names of persons living within five miles of the court house, or within such city of 10,000 inhabitants, have been exhausted, the judge may then draw from the jury box the names of such other persons as may be necessary, and have them summoned, as tales jurors are summoned. Whenever any judge of a court, or of a division of a court, needing jurors either grand or petit, requires it, he shall procure the jury box and the key thereto and shall, as soon as he has drawn therefrom the jurors at that time have the key and box delivered to any other judge in that court house, who may then need it, and as soon as the box has been used by all the judges needing it, the last judge using it shall deliver the key thereof to the proper custodian and cause the jury box to be returned to its regular place of deposit.

Section 22. Whenever a jury is required to try any issue in a probate court, or chancery court, or other court of the county, the probate judge, or chancellor, or judge of such other court, as the case may be, shall procure the box and key thereto and shall draw from the jury box as many names as he may think necessary, in no case less than twenty-four, and must immediately return the key and box to the proper custodian thereof respectively, and after each name is drawn it shall not be returned to the jury box, and there shall be no selection of names, and shall make and file a record of the drawing, and issue an order to the sheriff requiring him to summon the jurors and the probate judge, or judges of such other court or chancellor must draw the juries in the manner provided by this act, and the judge, or chancellor shall cause the names of those disqualified and exempt and those empanelled to be certified to the jury commission as required by this act.

Section 23. That no objection to an indictment on any ground going to the formation of the grand jury which found the same can be taken to the indictment, except by plea in abatement to the indictment; and no objection can be taken to an indictment by plea in abatement except upon the ground that the grand jurors who found the indictment were not drawn by the officer designated by law to draw the same; and neither

this objection nor any other can be taken to the formation of a special grand jury summoned by the direction of the court. Any plea in abatement to an indictment must be filed at the first term at which the indictment was found, if the accused has been arrested, or if the accused has not been arrested such plea in abatement must be filed at the first term at which it is practicable after the defendant has been arrested and in all cases such plea in abatement must be filed before the plea to the merits.

Section 24. That jurors, grand and petit, for any regular, special, adjourned or extra term of any court, requiring a grand jury or petit jury which have not been drawn by the judge of the court may be drawn by the judge as provided in this act in term time or vacation, or the judge of the court may draw as many persons to serve as grand and petit jurors as he thinks necessary and have them summoned as in cases where jurors are drawn to try capital cases.

Section 26. Whenever it appears to the court that a person's name has been placed upon a jury roll, who did not at the time he was enrolled, possess the qualifications required by law, the court may in its discretion excuse the person from service.

Section 27. Any person who shall unlawfully place in or withdraw from the jury box any name or names of persons, or destroy, conceal or remove such jury box, or place on or erase from the jury roll, the name of any person, or destroy, mutilate, conceal or remove such jury roll, shall be guilty of a felony and upon conviction shall be sentenced to the penitentiary, or to hard labor for the county for not less than six months or more than two years, to be fixed by the court.

Section 28. The judge of probate of every county is hereby authorized and required upon the request of the president of the commission to purchase the necessary cards, stationery and things of all kinds, required by the commission, and shall draw his warrant on the county treasury for the payment of the same.

Section 29. It is hereby expressly declared to be the intent of the Legislature in the enactment of this law,

to make the provisions hereof in the relation to the selection, drawing, summoning or empanelling of jurors directory merely, and not mandatory. The Jurors selected, drawn, summoned and empanelled under the provisions of this act, whether at or earlier or later day than required by this act, must and shall in all respects be deemed legal, and to possess in full, in every respect, power to perform all of the duties belonging to grand and petit jurors. And no objection can be taken to any venire of jurors except for fraud in drawing or summoning the jurors.

Section 31. Any person summoned as a juror in any of the modes provided in this act, who shall without legal cause or good excuse fail to attend at the proper time and place required shall be guilty of a contempt of court, and may be punished by the court by a fine of not exceeding one hundred dollars.

Section 32. All laws, general, special or local, regulating the selection, drawing, summoning or empanelling of grand, or petit jurors, or prescribing qualifications of jurors, or defining who are exempt from jury service, or exempting certain persons or classes of persons from service upon juries, are hereby expressly repealed, it being the intent of the Legislature, that, this act, shall be the exclusive law on such subjects in all of the courts of the State of Alabama, provided, that in all civil cases tried by jury the right of challenge and the number of challenges for each party and the right to have a struck jury, shall remain as now provided by law, but in every criminal case the jury shall be drawn, selected and empanelled as follows: Upon the trial by jury, in any court of any person indicted for a misdemeanor or felonies not punished capitally, the court shall require two lists of all the regular jurors empanelled for that week, ~~excluding from such lists the names of such jurors~~ actually engaged in the trial of a case, who are competent to try the defendant, to be made, and a solicitor shall be required first, to strike from the list the name of one juror and the defendant shall strike two, and they shall continue to strike off names alternately until only twelve jurors remain on the list, and these

twelve thus selected shall be the jury charged with the trial of the case. In case two or more persons are tried jointly, the solicitor shall strike one and each defendant shall have the right to strike off one name, and they shall continue thus to strike off names until only twelve remain, and the twelve thus selected shall be the jury charged with the trial of the defendants. If, for any cause, the regular number of jurors competent to try the defendant is reduced below twenty-four, the court must cause twice the number of the deficiency, who live within five miles of the court house or who live within the corporate limits of any city of ten thousand, or more, inhabitants, in which the court is held, to be drawn and summoned, and the names of those appearing who are competent to try the defendant, must be placed on the list of regular jurors for that week, and the solicitor and defendants shall in like manner, as heretofore provided, be required to strike from the lists thus made up the names of the jurors as provided until only twelve remain, who shall be the jury charged with the trial of that case. Whenever any person or persons stand indicted for a capital felony, the court must on the first day of the term, or as soon as practicable thereafter, make an order commanding the sheriff to summon not less than fifty nor more than one hundred persons including those drawn on the regular juries for the week set for the trial of the case, and shall then in open court draw from the jury box the number of names required, with the regular jurors drawn for the week set for the trial, to make the number named in the order, and shall cause an order to be issued to the sheriff to summon all persons therein named to appear in court on the day set for the trial of the defendant, and must cause a list of the names of all the jurors drawn for the week in which the trial is set, and those drawn as provided in this section, together with a copy of the indictment, to be forthwith served on the defendant by the sheriff, and the defendant shall not be entitled to any other or further notice of the jurors summoned or drawn for his trial, nor of the charge or indictment upon which he is to be tried. On the day set for the trial, if the cause is ready for

the trial, the court must inquire into and pass upon the qualifications of all persons who appear in court in response to the summons to serve as jurors, and shall cause the names of all those whom the court may hold to be competent jurors to try the defendant or defendants to be placed on lists, and if there is only one defendant on trial, shall require the solicitor to strike off one name, and the defendant to strike off two names, and in case there are two or more defendants on trial, the solicitor shall strike one, and every defendant shall strike one name, and they shall in this manner continue to strike names from the list until only twelve names remain thereon. The twelve thus selected shall be sworn and empanelled as required by law for the trial of the defendant or defendants. If, in any capital case the number of competent jurors shall be less than twenty before requiring any of them to be stricken off, the court must draw as prescribed in this act, and have summoned enough qualified jurors who are within or live within five miles of the court house, or who live within the corporate limits of a city of 10,000, or more inhabitants, in which the court is held, to increase the number to at least thirty, and have their names placed on the list with other competent jurors, and shall then require the solicitor and the defendant or the defendants to strike from the list as provided in this section, the number of jurors that each may be entitled to strike off, until only twelve remain thereon, and these twelve shall be sworn and empanelled as the jury for the trial of the defendant or defendants. If any defendant or defendants should refuse to strike the number of jurors allowed him by this act from the list furnished him, under the direction of the court, then the presiding judge shall proceed to strike off all the names on the list except those stricken off by the solicitor, until there remains only twelve, and these shall constitute the jury for the trial of the defendant or defendants. If the sheriff fails to summon any of the jurors drawn, or any juror summoned fails or refuses to attend the trial, or there is any mistake in the name of the juror drawn or summoned, none, nor all of these grounds shall be suf-

ficient to quash the venire or continue the cause; provided, further, that whenever the judge of any court trying capital felonies shall deem it proper to set two or more capital cases for trial for the same day, said judge may draw or have summoned one jury or one venire facias, or petit jurors for the trial of all such cases so set for trial on the same day.

Section 33. That sections 5, 6, 9, 25 and 30, of the aforesaid act approved August 31, 1909, in so far as the same apply to counties having a population or forty thousand, or less, according to the last federal census, or any federal census hereafter taken, be and the same are hereby repealed.

Section 34. That the provisions of this act shall go into effect on the 1st day of July 1911, provided, however, that all jurors required for service up to the first Monday in January 1912, shall be drawn, summoned, and empanelled, and shall serve under the law in force prior to the passage of this act.

Section 35. That the provisions of this act amending the aforesaid act, approved August 31, 1909, shall be applicable only to counties having a population of forty thousand or less according to the last federal census, or any federal census hereafter taken, and in counties having a population of more than forty thousand according to the last federal census, or any federal census hereafter taken, the provisions in full of the aforesaid act approved August 31, 1909, shall continue in full force and effect as to such counties.

Mr. Plowman moved that the reading at length of foregoing substitute be dispensed with and secretary directed to have 500 copies printed for use of the Senate.

Which on motion of Mr. Crumpton was laid upon the table pending the consideration of said substitute.

RECESS.

At 1:15 o'clock P. M., on motion of Mr. Spragins the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Thursday, March 2nd, 1911.

At 3:30 o'clock P. M., the Senate reassembled.

ROLL CALL.

On call of the roll eighteen senators answered to their names, which is a quorum of the Senate as required by the constitution.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Tunstall:

S. 342. To amend section four of an "act to provide for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen," approved February 28, 1911.

Commerce and Common Carriers.

BILLS ON THIRD READING.

The bill:

H. 128. To regulate the sale of stocks of merchandise in bulk or substantial portions thereof not in ordinary course of trade and to establish a rule of evidence relative to the same.

Was taken up.

~~MR. ATKINS OFFERED THE FOLLOWING AMENDMENT:~~

Amend section 3 by striking out the words, "where the seller has not waived his legal exemptions" and inserting in lieu thereof the following:

"Except as to those creditors who hold obligations of the seller wherein the seller has waived his right of ex-

emption to personalty and only to the extent of such obligations."

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Lovelace	Spragins
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Moody	Stokes
Curry	Moulthrop	Tunstall
Folmar	Norman	Vaiden
Godbold	Plowman	

—25

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; nays, 1.

Yeas:

Messrs.	Godbold	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Folmar	Norman	Vaiden
Frazer		

—24

Nays—Mr. Spragins—1.

UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of the morning session which was:

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

Mr. Kilby offered the following amendment to said substitute:

Amend by striking out the words, "forty thousand or less" wherever they appear in the caption and body of said bill, and inserting in lieu thereof the words, "thirty thousand or less."

Mr. Sprott moved to lay said amendment on the table which motion prevailed.

Yeas, 18; nays, 6.

Yeas:

Messrs.:	Justice	Rogers
Allen	Miller	Sherrod
Atkins	Moody	Sloan
Brown, C. W.	Moulthrop	Sprott
Crumpton	Norman	Stokes
Folmar	Plowman	Tunstall
Frazer		

—18

Nays—Messrs. Curry, Godbold, Kilby, Merrill, Renfro and Spragins—6.

Mr. Vaiden offered the following amendment to said substitute:

To amend section 13, by adding after the word "duty" as the same appears on the second line the following words: "All officers and men of the National Guard or State Militia, of Alabama."

Which was adopted.

Yeas, 18; nays, 7.

Yeas:

Messrs.:	Merrill	Spragins
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Brown, C. W.	Moulthrop	Stokes
Crumpton	Norman	Tunstall
Folmar	Rogers	Vaiden
Godbold	Sloan	

—18

Nays—Messrs. Allen, Curry, Frazer, Kilby, Plowman, Renfro and Sherrod—7.

Mr. Kilby offered the following amendment to said substitute:

Amend by striking out the words "forty thousand" or less wherever they occur in the caption or body of the bill and insert therein the words "thirty-seven thousand five hundred or less."

Which on motion of Mr. Frazer, was laid upon the table.

Mr. Kilby offered the following amendment to said substitute.

Amend by striking out the words "forty thousand" wherever they occur in the caption and body of the bill and inserting in lieu thereof the words "Thirty-seven thousand, five hundred."

Which was lost.

Yeas, 11; nays, 15.

Yeas:

Messrs.:	Merrill	Sherrod
Atkins	Moody	Spragins
Brown, W. T.	Moulthrop	Tunstall
Godbold	Renfro	Vaiden
Kilby		

—11

Nays:

Messrs.:	Folmar	Plowman
Allen	Frazer	Rogers
Beasley	Justice	Sloan
Brown, C. W.	Miller	Sprott
Crumpton	Norman	Stokes
Curry		

—15

Mr. Kilby offered the following amendment to said substitute:

Amend by striking out the word "forty thousand or less" wherever they occur in the caption and body of the bill and inserting in lieu thereof the words "thirty-nine thousand or less."

Which on motion of Mr. Frazer was laid upon the table.

Yeas, 15; nays, 12.

Yeas:

Messrs.:	Folmar	Plowman
Allen	Frazer	Rogers
Beasley	Justice	Sloan
Brown, C. W.	Miller	Sprott
Crumpton	Norman	Stokes
Curry		

—15

Nays:

Messrs.:	Merrill	Sherrod
Atkins	Moody	Spragins
Brown, W. T.	Moulthrop	Tunstall
Godbold	Renfro	Vaiden
Kilby	Screws	

—12

Mr. Crumpton offered the following amendment to said substitute:

Amend by adding section 5 which shall read as follows:

"Section 5. The jury commissioners shall employ a clerk, who before entering upon his duties shall take and subscribe to the oath prescribed by section 279 of the constitution.

The said clerk shall hold no office during the term of his employment, and he shall be paid for his services rendered, under the direction of the commission, the sum of three dollars per day while actually engaged in performing his duties, to be paid out of the county treasury, upon the order of the president of the commission.

The jury commissioners may at any time, discharge any clerk employed by them and employ another."

Amend section 33 by striking out the figures "5" and "6" where they appear therein.

~~Which was adopted~~

Yeas, 19; nays, 7.

Yeas:

Messrs.:	Crumpton	Miller
Atkins	Folmar	Moody
Beasley	Godbold	Moulthrop
Brown, C. W.	Merrill	Norman

Rogers	Sprott	Tunstall
Sloan	Stevens	Vaiden
Spragins	Stokes	

—19

Nays:

Messrs.:	Frazer	Renfro
Allen	Kilby	Sherrod
Curry	Plowman	

—7

Mr. Tunstall offered the following amendment to said substitute:

Amend by adding following section:

Section 6. That in those counties in which there is a city court, or law and equity court, or other court of record having concurrent jurisdiction with the circuit court, the judge of the circuit may in his discretion dispense with the drawing or empanelling of the grand or petit juries or both.

Which was adopted.

Yeas, 19; nays, 7.

Yeas:

Messrs.	Merrill	Spragins
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Brown, C. W.	Moulthrop	Stokes
Crumpton	Norman	Tunstall
Folmar	Rogers	Vaiden
Godbold	Sloan	

—19

Nays:

Messrs.	Frazer	Renfro
Allen	Kilby	Sherrod
Curry	Plowman	

—7

The substitute offered by Mr. Crumpton from special committee at morning session as thus amended was adopted.

Yeas, 19; nays, 7.

Yeas:

Messrs.:	Merrill	Spragins
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Brown, C. W.	Moulthrop	Stokes
Crumpton	Norman	Tunstall
Folmar	Rogers	Vaiden
Godbold	Sloan	

—19

Nays:

Messrs.:	Frazer	Renfro
Allen	Kilby	Sherrod
Curry	Plowman	

—7

And said bill as thus amended was read a third time at length and passed.

Yeas, 19; nays, 5.

Yeas:

Messrs.:	Merrill	Spragins
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Crumpton	Moulthrop	Stokes
Folmar	Norman	Tunstall
Frazer	Rogers	Vaiden
Godbold	Sloan	

—19

Nays:

Messrs.:	Curry	Plowman
Allen	Kilby	Renfro

—7

The bill:

S. 27. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Was taken up.

Mr. Plowman offered the following amendment:

Add a new paragraph to section 1 of the bill, to be inserted after paragraph 80 as follows:

"81. For the further development and enlargement of the library extension work, the public reference work, and the several other activities and needs of the Department of Archives and History, the additional sum of five thousand dollars for each year."

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Frazer	Renfro
Allen	Kilby	Sloan
Atkins	Merrill	Spragins
Beasley	Moody	Sprott
Brown, W. T.	Moulthrop	Stevens
Crumpton	Norman	Stokes
Folmar	Plowman	Vaiden

—20

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 17; nays, 1.

Yeas:

Messrs.	Crumpton	Rogers
Allen	Folmar	Sherrod
Atkins	Merrill	Spragins
Beasley	Moody	Stevens
Brown, C. W.	Plowman	Stokes
Brown, W. T.	Renfro	Vaiden

—17

Nays—Mr. Moulthrop—1.

The bill:

S. 286. To fix the times and places of holding the courts in the counties composing the eighth judicial circuit of Alabama.

Was taken up.

Mr. Sherrod offered the following substitute, to-wit:

A BILL

To be entitled an act to fix the times and places of holding the courts in the counties composing the eighth judicial circuit of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the terms of the circuit court in the counties composing the eighth judicial circuit shall be held at the court houses of the several counties as follows:

(A) In the county of Cullman, on the first Monday in March and September of each year and may continue in session four weeks.

(B) In the county of Limestone, on the first Monday after the fourth Monday in March and September of each year, and may continue in session two weeks; and the second Monday in January and may continue one week, and said business of the January term to be civil business only;

(C) In the county of Morgan, on the third Monday after fourth Monday in September and the third Monday after the fourth Monday in March of each year and may continue in session for four weeks.

(D) In the county of Madison, on the first Monday in February and continue for four weeks, and on the third Monday in May and November and continue for two weeks.

(E) In the county of Lawrence, on the first Monday in June and the first Monday in December of each year and may continue for two weeks.

Section 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed. This act shall go into effect from and after its approval by the governor.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Allen

Atkins

Beasley

Brown, C. W.

Brown, W. T.

Crompton

Curry

Folmar

Frazer

Godbold

Kilby

Merrill	Renfro	Sprott
Miller	Rogers	Stevens
Moody	Sherrod	Stokes
Norman	Spragins	Vaiden

—23

Nays, 0.

And said bill as thus amended was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:		
Messrs.:	Folmar	Rogers
Allen	Frazer	Sherrod
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moody	Stevens
Crumpton	Norman	Stokes
Curry	Renfro	Vaiden

—23

Nays, 0.

The bill:

H. 242. To fix the compensation of the sheriff of Bibb county Alabama, for transferring prisoners from the county jail of Bibb county, Alabama, at Centerville, to the county court of Bibb county, Alabama, at Blocton, Alabama, for trial, and for transferring prisoners from the county court of Bibb county, Alabama, at Blocton, Alabama, to the county jail of Bibb county, Alabama at Centerville.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:		
Messrs.:	Brown, C. W.	Folmar
Allen	Brown, W. T.	Frazer
Atkins	Crumpton	Justice
Beasley	Curry	Kilby

Merrill	Plowman	Spragins
Miller	Renfro	Stevens
Moody	Rogers	Stokes
Norman	Sherrod	Vaiden

—23

Nays, 0.

The bill:

S. 285. To authorize the introduction in evidence of documents executed prior to February 12th, 1879, by the governor in person or in his name by his secretary, purporting to convey any of the State's lands, but ineffective as conveyances, and certified copies of the record of any such documents which have been recorded for as much as twenty years, and to prescribe the probative effect of such documents and copies.

Was read a third time at length and passed.

Yeas, 21; nays, 2.

Yeas:

Messrs.:	Frazer	Plowman
Allen	Justice	Renfro
Atkins	Kilby	Rogers
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Stokes
Brown, W. T.	Moody	Tunstall
Crumpton	Moulthrop	Vaiden
Curry		

—21

Nays: Messrs. Sherrod, Spragins.—2.

The bill:

S. 311. To provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, and to provide penalties for violations thereof.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Atkins	Brown, W. T.
Morrow, Pres. Pro tem	Beasley	Crumpton
Allen	Brown, C. W.	Folmar

Justice	Norman	Sloan
Kilby	Plowman	Spragins
Merrill	Renfro	Stevens
Miller	Rogers	Stokes
Moody	Sherrod	Tunstall

—23

Nays, 0.

The bill:

H. 347. To provide for judicial sales, tax sales and mortgage sales of real and personal property which concern real or personal property located wholly in the southern judicial division of St. Clair county, as now, or hereafter constituted; and to provide for the advertisement of such sales.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Folmar	Renfro
Morrow Pres.Pro tem	Justice	Rogers
Allen	Kilby	Sherrod
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Brown, C. W.	Moody	Sprott
Brown, W. T.	Norman	Stokes
Crumpton	Plowman	

—22

Nays, 0.

The bill:

H. 140. To fix the compensation of bailiffs of courts of record.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Beasley	Folmar
Morrow, Pres.Pro tem	Brown, C. W.	Frazer
Allen	Brown, W. T.	Justice
Atkins	Crumpton	Kilby

Merrill	Plowman	Sprott
Miller	Renfro	Stevens
Moody	Rogers	Stokes
Norman	Spragins	Tunstall

—23

Nays, 0.

The bill:

H. 253. To amend section 11 of an act entitled "an act to establish a board of revenue of Jefferson county, and for the abolishment of the court of county commissioners for the said county," and to increase the salary of said board.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.	Folmar	Plowman
Morrow, Pres. Pro tem	Justice	Renfro
Allen	Kilby	Rogers
Atkins	Merrill	Spragins
Beasley	Miller	Sprott
Brown, C. W.	Moody	Stevens
Brown, W. T.	Moulthrop	Stokes
Crumpton	Norman	Tunstall

—23

Nays, 0.

The bill:

S. 280. To amend section 735 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Brown, W. T.	Merrill
Morrow, Pres. Pro tem	Crumpton	Miller
Allen	Curry	Moody
Atkins	Folmar	Norman
Beasley	Justice	Renfro
Brown, C. W.	Kilby	Rogers

Sherrod	Sprott	Stokes
Sloan	Stevens	Tunstall
Spragins		

—24

Nays, 0.

The bill:

S. 234. To amend section 6168 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Curry	Norman
Morrow, Pres. Pro tem	Folmar	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Spragins
Beasley	Merrill	Sprott
Brown, C. W.	Miller	Stevens
Brown, W. T.	Moody	Stokes
Crumpton	Moulthrop	

—22

Nays, 0.

The Bill:

H. 340. To declare the twelfth day of October a legal holiday, to be known as "Columbus Day."

Was read a third time at length and passed.

Yeas, 20; nays, 3.

Yeas:

Messrs.:	Crumpton	Moody
Morrow Pres. Pro tem	Curry	Moulthrop
Allen	Espy	Plowman
Atkins	Folmar	Spragins
Beasley	Godbold	Stevens
Brown, C. W.	Kilby	Stokes
Brown, W. T.	Merrill	Tunstall

—20

Nays: Messrs. Miller, Norman, Rogers.—3.

The Bill:

S. 307. To amend sections 2, 3, 4 and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27, 1901.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Folmar	Rogers
Morrow, Pres. Pro tem	Justice	Sherrod
Allen	Kilby	Sloan
Atkins	Merrill	Spragins
Beasley	Miller	Sprott
Brown, C. W.	Moody	Stevens
Brown, W. T.	Norman	Stokes
Crumpton	Plowman	Tunstall
Curry	Renfro	

—25

Nays, 0.

SPECIAL ORDER SET.

On motion of Mr. Crumpton:

S. 328. To prescribe and fix the basis upon which license fees shall be exacted by municipal corporations of foreign fire insurance corporations.

Was made a special order for tomorrow at 11 o'clock a. m.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his excellency the governor with his objections and ~~proposing an amendment to:~~

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair County. A Board of Road Commissioners provided for. Their appointment, how made. Vacancies, how filled. Organization of such board. Duties of the Chairman. Duties of the Secre-

tary and Treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the Board, how done. Authority, duties and powers of the Board of Road Commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the Board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the Board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the Board. Penalty for same. Court of County Commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in County Treasury may be transferred to the Board. Disposition of funds in hands of Treasurer of Board. Proceeds arising from bond issue, to be handled by such Board. Condemnation proceedings provided. All rights, powers, duties, etc. On Commissioners' Court with reference to public roads, etc. Now conferred by general law of State available and applicable to such Board of Road Commissioners. Repeal clause.

And the House has amended the bill as proposed by the governor by adopting and concurring in such proposed amendments.

Yeas, 68; nays, 0.

Which is a majority of the whole number elected to the House and the House herewith sends said bill with the governor's message and proposed amendments herewith to the Senate.

W. F. Herbert.

Clerk.

March 2nd, 1911.

To the House of Representatives:

I herewith return House bill No. 169 without my approval, and suggest the following amendments to meet my approval:

Amend section 14 of the bill so as to read as follows:

"That in any impeachment proceedings instituted, commenced or prosecuted under the provisions of this act that all of the provisions of law now regulating the institution, commencement and prosecution of impeachments against other officials shall apply, so far as the same are applicable."

Amend section 15 of the bill by striking from the second sentence thereof the words "given legislative, judicial, and executive powers, and may," and insert in lieu thereof the words "authorized to."

Amend section 18 of the bill by striking out the words "forty-six" and insert in lieu thereof the words "forty-five."

Amend the bill by striking out section 27 thereof.

Amend section 29 of the bill by inserting after the words "board of road commissioners" and before the words "as may in their judgment be necessary," the words "not to exceed one-fourth of one per cent. on each one hundred dollars of taxable property."

Emmett O'Neal,
Governor.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. W. T. Brown, the Senate concurred in and adopted the amendment proposed by the governor to H. 169. The title of which is set out in the foregoing message from the House, and the proposed amendments thereto are set out in the foregoing message from the governor.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Atkins

Beasley

Brown, C. W.

Crumpton

Folmar

Frazer

Godbold

Kilby

Merrill	Plowman	Sprott
Miller	Renfro	Stevens
Moody	Rogers	Stokes
Norman	Spragins	Vaiden

—20

Which was a majority of the whole number elected to the Senate.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bill:

S. 28. An act to provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling and analysing such "commercial feeding stuffs" and to fix penalties for violations of this act.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from the committee on Enrolled bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Rylance:

H. J. R. 74. Whereas, the citizens of the city of Mobile recently extended to the Legislature of Ala-

bama an invitation to visit their city and enjoy the far-famed festivities occasioned by the celebration of Mardi Gras, and

Whereas, such invitation was accepted and the visit made to the great enjoyment and pleasure of all who were able to take advantage of the opportunity.

Therefore be it resolved by the House of Representatives, the Senate concurring, That the thanks of the Legislature of Alabama is gratefully extended to the hospitable citizens of Mobile for the many courtesies and kindnesses shown to the Legislature on the occasion of its visit to that beautiful city of which Alabama is truly and rightfully proud.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Plowman, the rules were suspended and the Senate concurred in and adopted House joint resolution 74, set out in the foregoing message from the House.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bill:

By Mr. Stevens:

S. 117. To establish a court of appeals for the State of Alabama.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

RESOLUTION.

Mr. Beasley offered the following resolution:

S. R. 63. Resolved by the Senate, That House bill 354 be made a special order for Saturday, March 4th, 1911, at 11 o'clock a. m.

Which was read and referred to the committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 58. Relative to the rules committee of two Houses to meet and fix date for adjournment.

And returns the same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to:

H. 128. To regulate the sale of stocks of merchandise in bulk or substantial portions thereof not in ordinary course of trade and to establish a rule of evidence relative to the same.

W. F. Herbert,
Clerk.

ADJOURNMENT.

On motion of Mr. Spragins, the Senate adjourned at 5:23 o'clock p. m., until 11 o'clock tomorrow morning.

THIRTY-SECOND DAY.

Friday, March 3rd, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Neeland of the city.

ROLL CALL.

Present:

Mr. President and

Messrs. :	Godbold	Renfro
Morrow, Pres. Pro tem	Justice	Rogers
Allen	Kilby	Screws
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Spragins
Brown, W. T.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Espy	Norman	Nance
Folmar	Plowman	Vaiden
Frazer		

—33

JOURNAL.

On motion of Mr. Crumpton, the reading of the Journal of yesterday was dispensed with and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows:

By Mr. Curry:

S. 343. To authorize, empower and require the Commissioners' Court, Board of Revenue, or other Court of

like jurisdiction, of Chilton County, Alabama, to donate or appropriate a sum of money not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00) annually from the County Treasury, which said money so appropriated shall be used in awarding prizes or premiums to be offered to encourage a better system of agriculture and stock raising in said County; to create a Board of Award which shall make rules and regulations governing the awarding of prizes or premiums, and provide for the payment of said money.

Agriculture.

With notice and proof, as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, authorizing, empowering and requiring the commissioner's court, board of revenue, or other court of like jurisdiction of Chilton county, Alabama, to donate or appropriate a sum of money, not less than two hundred (\$200.00) dollars, and not more than five hundred (\$500.00) dollars, annually from the county treasury, which said sum of money shall be used in awarding prizes or premiums to be offered to encourage a better system of agriculture and stock raising in said county; and create a board of award which shall make rules and regulations governing the award of said prizes or premiums, and provide for the payment of said money; and also provide for printing the results of said tests and awards in bulletin form for the benefit of the public schools, farmers and stock raisers of Chilton county.

W. H. Conway.

The State of Alabama, }
The County of Chilton. }

I, W. C. Edler, editor of The Union, a newspaper, published and having a general circulation in said county, hereby certify that the above and foregoing is a copy of a notice of the intention to apply to the present session

of the Legislature of Alabama, for the enactment of a local law; that said notice appeared in said paper once a week for four consecutive weeks, and that the same was done without costs to the State of Alabama.

Said notice appeared in said newspaper on the 2nd day of Feb.; on the 9th day of Feb.; on the 16th day of Feb.; on the 23rd day of Feb., 1911.

W. C. Adler.

Sworn to and subscribed before me this the 1st day of March, 1911.

Alee Stewart,
Notary Public.

By Mr. Espy:

S. 344. To further provide for and regulate the assessment of taxes against property located within the limits of incorporated villages, towns and cities in this State.

Finance and Taxation.

By Mr. Espy:

S. 345. To fix the terms of office of the commissioners of Henry county, Alabama.

Revision of Laws.

With notice and proof, as follows:

The State of Alabama, }
Henry County. }

Before me, W. M. Hardwick, a notary public, in and for said county in said State, came personally T. H. Jernigan, who being duly sworn, deposes and says, that he is editor and publisher of the Henry County Standard, a newspaper, published weekly at Headland, in Henry county, Alabama, and that the following and attached notice was published in said Henry County Standard for four consecutive weeks, or issues, and that said notice appeared in the issues of February 9th, February 16th, February 23rd, and March 2nd, 1911, and that said notice is as follows: .

NOTICE.

Notice is hereby given, that at the present session of the Legislature, application will be made for the passage of a law extending the terms of office of the commissioners of the first and third districts in Henry county for a term of two years, so as to have the effect of electing commissioners of the second and fourth districts in 1912 to serve four years and electing the commissioners of the first and third districts in 1914 to serve four years, and such elections and terms of office are to so continue.

This the 4th day of February, 1911.

G. J. Carter.

T. H. Jernigan.

Sworn to and subscribed before me this March 3, 1911.

W. M. Hardwick.

Notary Public.

By Mr. Sloan:

S. 346. To permit the husband or wife to testify for or against each other in all criminal cases.

Judiciary.

By Mr. Morrow:

S. 347. To provide for the payment by the State of Alabama to the estate of A. A. Coleman, deceased, of the sum of six thousand and eighty-three and 33/100 dollars (\$6,083.33), earned by the said A. A. Coleman as judge of the then seventh judicial circuit of the State of Alabama, from the 31st day of March 1862 to the 20th day of July 1865, and which was not paid to the said A. A. Coleman during his life time, and has not since been paid to his estate.

Finance and Taxation.

With notice and proof, as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the 1911 session of the Legislature of the State of

Alabama for the purpose of authorizing and directing the payment by the State of Alabama to the estate of A. A. Coleman, deceased, of the amount earned by A. A. Coleman as judge of the then seventh judicial circuit of the State of Alabama, with interest thereon, for parts of the years, 1862, 1863, 1864 and 1865, and which was not paid to the said A. A. Coleman during his life time.

State of Alabama, }
Jefferson County. }

Before me, Annie E. Page, a notary public, in and for said county in said State, personally appeared Thos. B. Smith, who being by me first duly sworn, doth depose and say, on oath, that he is business manager of the Birmingham Ledger, which is a daily newspaper, published in the city of Birmingham, county of Jefferson, State of Alabama, and that he has personal knowledge of the facts stated in this affidavit; that the notice hereto attached was regularly published, without cost to the State, in the said Birmingham Ledger, a newspaper, published in the city of Birmingham, Jefferson county, Alabama, once a week for four consecutive weeks, beginning on the 12th day of January, 1911.

Thos. B. Smith,
Business Manager.

Sworn to and subscribed before me this 16th day of February, 1911.

Annie E. Page,
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced at the 1911 session of the Legislature of the State of Alabama, for the purpose of authorizing and directing the payment by the State of Alabama to the estate of A. A. Coleman, deceased, of the amount earned by A. A. Coleman as judge of the then seventh judicial circuit of the State of Alabama, with interest thereon, for parts of the years, 1862, 1863, 1864 and 1865, and which was not paid to the said A. A. Coleman during his lime time.

State of Alabama, }
 Montgomery County. }

Before me, J. E. Daniel, a notary public, in and for said county and State, personally appeared W. A. Allen, who, being by me first duly sworn, doth depose and say that he is check clerk of the Montgomery Advertiser, which is a daily newspaper, published in the city of Montgomery, Alabama, and that he has personal knowledge of the facts stated in this affidavit; that the notice hereto attached was regularly published, without cost to the State, in the said Montgomery Advertiser, a newspaper, published in the city and county of Montgomery, State of Alabama, once a week for four consecutive weeks, beginning on the 13th day of January, 1911.

W. A. Allen.

Sworn to and subscribed before me this 25th day of February, 1911.

J. E. Daniel,
 Notary Public.

By Mr. Tunstall:

S. 348. To authorize the governor to rent office apartments in the city of Montgomery for the official use of State officers for whom adequate offices can not be obtained in the Capitol.

Revision of Laws.

MOTION TO RECONSIDER.

Mr. Crumpton moved to reconsider the vote by which the Senate on yesterday passed:

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

And upon his motion the consideration by the Senate of said motion to reconsider was postponed until tomorrow.

REPORTS OF COMMITTEES.

Mr. Brown, W. T., chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. W. T. Brown:

S. 222. To provide for the establishing of libraries in the rural, town and village schools of Alabama, to make an appropriation therefor, to provide for their maintenance and for their improvement and to authorize the commissioners' court or the board of revenue of the several counties to make appropriations for the establishment and support of said libraries and to provide rules and regulations, under which said libraries shall be established and maintained.

By Mr. Moody (with amendment):

S. 111. To regulate the practice of veterinary medicine and surgery in the State of Alabama.

Mr. Merrill, chairman of the standing committee on Commerce and Common carriers, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

S. 342. To amend section four of an "act to provide for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen," approved February 28, 1911.

By Mr. Allen:

S. 320. To amend section 5644 of the code of Alabama.

Mr. Tunstall, acting chairman of the standing committee on Judiciary, reported that said committee, in

session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Spragins:

S. 273. To further prescribe the duties of the assistant attorney general.

By Mr. Tunstall:

S. 303. To amend section 4480 of the code of Alabama.

By Mr. Brindley:

H. 382. To repeal section 2409 of the code of Alabama.

By Mr. Lavender:

H. 490. To amend section 2974 of the code of Alabama.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Chamberlain (with amendment):

H. 317. To provide for an official stenographer for the law and equity court of Mobile.

ADVERSE REPORT.

Mr. Espy, chairman of the standing committee on Penitentiary, Prisons and Punishment, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Butt:

H. 129. To define the crime of burglary in the first degree and to prescribe the punishment thereof.

REPORT FROM THE COMMITTEE ON REVISION OF THE
JOURNAL.

Mr. President.

Your committee on revision of the Journal, begs leave to report that it has carefully examined the Journal of the Senate for the thirtieth legislative day and finds the same correct as to all original entries and references thereto and that the same comply with all constitutional requirements.

W. C. Crumpton,
Chairman.

On motion of Mr. Crumpton, said report was concurred in and adopted and the Journal of the Senate for the thirtieth legislative day was approved by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 128. To regulate the sale of stocks of merchandise in bulk or substantial portions thereof not in ordinary course of trade and to establish a rule of evidence relative to the same.

H. 151. To repeal section 14 and to amend sections 15 and 16 of an act approved August 19th, 1909, providing for the construction, maintenance and improvement and protection of the public roads and bridges of Macon county, Alabama, and to provide for a special road tax therefor.

H. 140. To fix the compensation of bailiffs of courts of record.

~~H. 242. To fix the compensation of the Sheriff of~~
Bibb county, Alabama, for transferring prisoners from the county jail of Bibb county, Alabama, at Centerville, to the county court of Bibb county, Alabama, at Blocton, Alabama, for trial, and for transferring prisoners from the county court of Bibb county, Alabama, at Blocton, Alabama, to the county jail of Bibb county, Alabama, at Centerville.

H. 253. To amend section 11 of an act entitled "an act to establish a board of revenue of Jefferson county, and for the abolishment of the court of county commissioners for the said county," and to increase the salary of said board.

H. 340. To declare the twelfth day of October a legal holiday, to be known as "Columbus Day."

H. 347. To provide for judicial sales, tax sales and mortgage sales of real and personal property which concern real or personal property located wholly in the southern judicial division of St. Clair county, as now or hereafter constituted; and to provide for the advertisement of such sales.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

RESOLUTION.

Mr. Screws offered the following resolution:

S. R. 64. Resolved that a standing committee of the Senate, to consist of eighteen members, to be appointed by the President Pro Tem., be appointed for the purpose of re-apportioning the United States Congressional Districts of Alabama, to be known as the committee on re-apportionment and re-districting of congressional districts.

Which was read and referred to the rules committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 203. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Plowman, the Senate concurred in the following amendment by the House to Senate bill 203, the title of which is set out in the foregoing message from the House, to-wit:

Amend section 13 of the bill by striking out the words "ten days" where the same appears and insert in lieu thereof the words "six days."

Further amend, by striking out the words "thirty cents," where the same appears in section 13 and insert in lieu thereof the words "seventy-five cents."

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Brown, C. W.	Kilby	Sloan
Brown, W. T.	Lovelace	Spragins
Crumpton	Merrill	Sprott
Curry	Nance	Stokes
Espy	Norman	Vaiden
Folmar		

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his excellency the governor with his objections and proposing an amendment to:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish Police Commissioners, Aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said Commission form of government.

And the House has amended the bill as proposed by the governor by adopting and concurring in such proposed amendments.

Yeas, 68; nays, 0.

Which is a majority of the whole number elected to the House and the House herewith sends said bill with the governor's message and proposed amendment herewith to the Senate.

W. F. Herbert,
Clerk.

March 2nd, 1911.

To the House of Representatives:

I herewith return House bill 112, without my approval, and suggest the following amendments to meet my objection: Amend section 5 of the bill so that when amended the same shall read as follows:

"Section 5. The president of the board of commissioners, and commissioners of such city, to be known as the board of commissioners of said city, as provided,

shall be municipal officers only, and shall have, possess, and exercise only the municipal powers, legislative, executive and judicial, possessed and exercised by the mayor and board of aldermen, and board of police commissioners, and any and all other boards, commissions and officers of such city of any and of every sort whatsoever, except whatsoever power they may possess expressly or impliedly as state officers; and all such boards, commissions and officers except those provided for by this act shall then and thereby be abolished, and the terms of office of any and all such officers or officials shall then and thereby cease. Said board of commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the State or county, nor shall the offices held by them be State offices; provided, however, that the office of commissioner, the term of which under the provisions of this act expires on the first Monday in November, 1915, is and shall be a judicial office, and the commissioner appointed thereto, and thereafter elected thereto, is clothed with full and ample power to administer justice under the ordinances of said city only, and to administer judicially the ordinances of said city only, and the legislative and executive powers herein above conferred upon the commissioner whose term of office expires as aforesaid, shall be an incident merely to said judicial office, and shall be confined only to municipal matters.

Such city shall continue its existence as a body corporate under the name of "city of _____" (inserting the name of said city). It shall continue to be subject to all the duties and obligations then pertaining to, or incumbent upon it as a municipal corporation not inconsistent with the provisions of this act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises then enjoyed by it, as well as those that may thereafter be granted to it, not inconsistent with the provisions of this act. All laws governing such city and not inconsistent with the provisions of this act shall apply to and govern said city after it shall become organized

under the commission form of government provided by this act. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organizations not inconsistent with the provisions of this act shall remain in force until altered or repealed, according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which were vested in it, shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability, either in favor of it or against it, and no suit or prosecution of any kind, shall be affected by such change, unless otherwise expressly provided for by the terms of this act. All employees of said city and all officials except those whose term of office are abolished by this act shall continue in office until otherwise provided by the said board of commissioners of said city. Provided, however, that boards of education existing in such cities shall not be effected by the provisions of this act, except that where the members of the boards of education of such city had previously been elected by the board of aldermen of such cities, such boards shall, after this act becomes effective, be elected by the board of commissioners of such city, so that section 6 shall read as follows:

"Sec. 6. Every city organized under the form of government provided for by this act shall be governed and managed by the board of commissioners provided for herein. Each and every officer and employee of said city, except health officer and such persons as may be employed by him to enforce quarantine, other than the said president and commissioners, shall be selected and employed by the said board, or under its direction, and all salaries and wages paid by said city, except as otherwise provided by the terms of this act, shall be fixed by said board. The commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the title of city health officer, all of whom shall hold

office and be removable at the pleasure of the board of commissioners. The powers and duties in such cities shall be distributed into and among three departments, as follows: (1) Department of public justice. (2), Department of streets, parks, city and public property, and city and public improvements. (3) Department of accounts, finances and public affairs.

The powers and duties pertaining to each of said departments shall be fixed by the said board of commissioners, and altered from time to time as they may deem best, and one of the members of said board shall be so assigned to take charge of each such department and shall as head of such department exercise the duties and powers so provided by said board, and said assignment may be changed at any time by a majority of said board. Provided, however, that the commissioner appointed to fill the office of commissioner, the term of which expires on the first Monday of November, 1915, and hereafter elected to said office the term of which expires as aforesaid, shall during his term of office exercise at all times the duties required by the department of public justice.

By inserting immediately after the words "permanent nature" where said words appear together in section 7, the following: "Except a proclamation of quarantine."

And by striking out of section 11 of the bill, the following words where said words appear together in said section: "And no person shall be eligible for office as president of the board, or as commissioner, who shall with his consent or procurement have been chosen or nominated by the caucus or primary of any political party, nor shall any person be eligible for such office."

And by adding the following section to said bill designated as section 6 1-2.

"Sec. 6 1-2. Health and quarantine matters shall be administered in accordance with the established public health system of the State and such health laws as are now in force, or may hereafter be enacted and also in accordance with such ordinances as are now in force, or may be hereafter legally enacted by the commissioners."

And by adding at the end of section 13 the following:

"Should the provisions as to the recall of commissioners contained in section 13 of this act, or should any other section or provision of this act, be held to be void or unconstitutional, it shall not affect or destroy the validity of any other section or provision hereof which is not itself void or unconstitutional."

On account of the importance of this bill, and the fact that it makes an innovation in the existing laws of Alabama, I am constrained to explain my reasons for returning the bill without my approval and my reasons for suggesting certain amendments to meet my objections.

The feature of the bill as it was presented to me by signature which provided that no candidate for president of the board or as a commissioner provided for in the bill, shall be eligible for election, if with his procurement or consent he has been chosen or nominated by the caucus or primary of any political party, seems to me to be a peculiarly dangerous provision and in conflict with the wisdom of those who have formed and perpetuated representative government. No great governmental reform has ever been accomplished save through political organizations or parties. In large cities and towns the existence of political parties and the right to make political nominations, it seems to me, are assential at the present time, and especially in those States and communities subject to large corporate influences.

Referring to this subject, the Hon. Frederick W. Lehman of St. Louis, Missouri, in his address as president of the American bar association, at Detroit, in August, 1909, had this to say:

"Under the present conditions, the votes cast at a city election is usually a light one. Will it be larger when parties are eliminated? Some persons we know will be deeply concerned and ready at all times to sponsor the work of the city government. Public service companies, franchise seekers, contractors and placemen, these will readily form alliances to do what others neglect, and who will there to be to oppose them. Will the

civic leagues which are formed to promote charter revision continue long in the field after this work is done. Past history is not altogether encouraging, movements for municipal reform while accomplishing great specific good have usually been short lived and have rarely survived their own success, while the forces overthrown by them have risen from defeat as if from it they derived new vigor. This is the serious side of the city problem which no mere law or character will solve."

I certainly could not approve a bill which carried with it the provision contained in this bill prohibiting party nominations for office.

There is another section of the bill, as to the wisdom of which I entertain grave doubt, and that is the recall feature of the bill. It is gravely doubted whether this recall feature is not unconstitutional, but as the commission form of government was unknown when our last constitution was made, this feature of the bill may be upheld by the courts upon the theory that the Constitution has left the inherent power in the Legislature to meet this new condition, which was not anticipated or provided for or against when our Constitution was made; at any rate, this matter which I am constrained to believe can be left safely to the adjudication of our courts.

The purposes of the other amendments suggested by me are too plain to require any explanation by me for suggesting them to your Honorable Body.

Emmet O'Neal,
Governor.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Morrow, the Senate concurred in and ~~adopted the amendment proposed by the governor to H. 112.~~ The title of which is set out in the foregoing message from the House, and the proposed amendments thereto are set out in the foregoing message from the governor.

Yeas, 23; nays, 0.

Yeas:

Messrs.	Espy	Norman
Morrow, Pres. Pro tem	Folmar	Rogers
Allen	Godbold	Sloan
Atkins	Justice	Spragins
Brown, C. W.	Kilby	Sprott
Brown, W. T.	Lovelace	Stokes
Crumpton	Merrill	Tunstall
Curry	Nance	Vaiden

—23

Nays, 0.

Which was a majority of the whole number elected to the Senate.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 234. To amend section 6168 of the code of Alabama of 1907.

S. 285. To authorize the introduction in evidence of documents executed prior to February 12, 1879, by the governor in person or in his name by his secretary, purporting to convey any of the State's lands, but ineffective as conveyances, and certified copies of the record of any such documents which have been recorded for as much as twenty years, and to prescribe the probative effect of such documents and copies.

S. 280. To amend section 735 of the code of Alabama of 1907.

S. 27. To make appropriations for the ordinary expenses for the executive, legislative, and judicial departments of the State, for the interest on the public debt and for public schools.

S. 307. To amend sections 2, 3, 4 and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27, 1901.

S. 311. To provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, and to provide penalties for violations thereof.

And find same correctly Engrossed.

Thomas A. Curry,
Chairman.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on enrolled bills have examined the following Senate bills:

S. 151. An act to regulate and define the practice of optometry in the State of Alabama, and to provide for a State board of examination and registration and to prescribe their duties.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING BILL.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from committee on Enrolled bills.

The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

~~Mr. President:~~

The House has originated and passed the following bills:

H. 352. To amend section 1 of an act entitled "an act to amend sections 1 and 4 of an act entitled an act to amend sections 1116, 1117, 1118, 1119, and 1120 of the code of Alabama of 1896, approved Feb. 28, 1903," approved August 9, 1907.

H. 244. To prescribe the duties and powers and to fix the compensation of the county superintendents of education of the several counties of this State.

H. 453. To amend an act entitled, "an act to fix the time of holding the circuit court in the third judicial circuit of the State of Alabama," approved August 19, 1909.

And send the same herewith to the Senate.

Also:

H. 458. To authorize the Court of County Commissioners of Coosa County to buy mules, horses, road machines and tools for the purpose of working the public roads of Coosa County; to work the convicts of Coosa County on the public roads of said county; to employ laborers and superintendents to work and supervise the working of the public roads of said county; to collect from persons subject to road duty in lieu of work on public roads the sum of \$7.50 each per annum, and to provide for collecting the same; to buy for use on said public roads any and all kinds of road material, to employ an engineer to survey and grade said public roads; to fix the age of road duty from 18 to 55 years and to use such sums of money from the general funds of said county for the purpose of working and improving such roads as said Court of County Commissioners may deem necessary.

And sends the same to the Senate with the notice and proof attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT.

To authorize the court of county commissioners of Coosa county to buy mules, horses, road machines and tools for the purpose of working the public roads of Coosa county; to work the convicts of Coosa county on the public roads of said county; to employ laborers and superintendents to work and supervise the working of the public roads of said county; to collect from persons subject to road duty in lieu of work on public roads the sum of \$7.50 each per annum, and to provide for collecting the same; to buy for use on said public

roads any and all kinds of road material, to employ an engineer to survey and grade said public roads; to fix the age of road duty from 18 to 55 years; and to use such sums of money from the general funds of said county for the purpose of working and improving said roads as said court of county commissioners may deem necessary.

Section 1. *Be it enacted by the Legislature of Alabama*, That the court of county commissioners of Coosa county is authorized and empowered to buy mules, horses, oxen, road machines and tools of any and all kinds for the purpose of working the public roads of Coosa county.

Sec. 2. That said court of county commissioners is authorized and empowered to work the convicts of Coosa county on the public roads of said county and to work and enforce all necessary rules and regulations for doing the same.

Sec. 3. That said court of county commissioners of Coosa county is authorized and empowered to employ laborers and superintendents to work and supervise the working of the public roads of said county.

Sec. 4. That said court of county commissioners of said county is authorized and empowered to collect from all persons subject to road duty in said county in lieu of work on the public roads the sum of \$7.50 per annum from each person in said county between the ages of 18 and 55 shall be subject to road duty and said court of county commissioners is authorized to make all necessary rules and regulations for collecting said money including a provision that any person subject to road duty in said county who fails to pay said sum of \$7.50 in lieu of work on said public roads and who fails to work on said roads under one of the road superintendents of said county for the time required by the general law shall be subject to all the pains, penalties, and liabilities under the general law of Alabama for failure to work on said public roads after legal notice.

Sec. 5. That said court of county commissioners is authorized and empowered to buy for use on said public

roads any and all kinds of material which they may deem suitable for the construction of public roads.

Sec. 6. That the age of road duty for said county is fixed at 18 to 55 years.

Sec. 7. That said court of county commissioners is authorized and empowered to use in addition to the sums herein provided for such sums of money from the general fund of said county for the purpose of working and improving said roads, as said court of county commissioners may deem necessary.

Notice is hereby given that application will be made in the present session of the Legislature of Alabama for the passage of an act of which the foregoing is the substance.

W. R. Walker.

State of Alabama, }
Coosa County. }

Before me, Obe Riddle, a notary public, in and for said State and county, personally appeared L. D. Coker, who first being duly sworn by me deposeth and says on oath that, he is the editor and publisher of the Goodwater Enterprise, a weekly newspaper, published at Goodwater in Coosa County, Alabama, and that the foregoing bill and notice was published at length in said Goodwater Enterprise once a week for four consecutive weeks beginning in issue of said paper published on January 20th, 1911, and ending February 10th, 1911. That same was published at length in the following issues of said paper: January 20th, 1911, January 27th, 1911 February 3rd, 1911 and February 10th, 1911, which said publication was made without cost to the State of Alabama and without cost to the county of Coosa.

L. D. Coker.

Subscribed and sworn to before me this 11th day of February, 1911.

Obe Riddle,
Notary Public.

H. 538. To amend section five of an act, approved August 26th, 1909, entitled an act to create and establish the Marengo law and equity court for Marengo county.

And sends the same to the Senate with the notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of intention to apply to the next regular session of the Legislature of Alabama, being the 1911 session of same, for the passage of a bill and enactment of a law to amend section 5 of an act entitled an act to create and establish the Marengo law and equity court, for Marengo county, approved August 26th, 1909; said proposed amendment to said act being to increase the salary of the solicitor of Marengo law and equity court.

B. G. Wilson.

State of Alabama, }
Marengo County. }

Before me, John D. Norwood, a notary public, in and for said county and State, personally appeared C. A. Ver Beck, who being by me first duly sworn, deposeth and saith on oath, that he is editor of the Demopolis Times, a weekly newspaper, published in the city of Demopolis, Marengo county, Alabama; that the notice hereto attached was published once a week for four consecutive weeks in said newspaper in the issues of said paper of date 22nd, December, 1910, 29th, December, 1910, 5th, January, 1911 and 12th, January, 1911.

C. A. Ver Beck.

Subscribed and sworn to before me this the 23rd day of January, 1911.

J. D. Norwood,
Notary Public, Marengo County, Alabama.
W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 352, 453, 538, To Judiciary.

H. 244, To Education.

H. 458, To Public Roads and Highways.

INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Kilby:

S. 154. To fix the maximum amount of license and privilege taxes and other charges for the privilege of doing business to be imposed, levied or collected by municipal corporations on or from domestic fire insurance companies doing business in such municipal corporations.

Was indefinitely postponed.

BILLS ON THIRD READING.

S. 328. To prescribe and fix the basis upon which license fees shall be exacted by municipal corporations of foreign fire insurance corporations.

Was taken up.

The following amendment offered by the committee:

Amend by striking out the word "foreign" where the same appears in said bill and the title thereof.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Moulthrop	Sprott
Crumpton	Nance	Stokes
Curry	Norman	Vaiden
Espy		

Nays, 0.

Mr. Kilby offered the following amendment to said bill:

Amend by adding the words "marine accident and casualty" after the word "fire" where ever it occurs in the caption or body of the bill.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs. :	Frazer	Plowman
Morrow, Pres. Pro tem	Godbold	Renfro
Allen	Justice	Rogers
Beasley	Kilby	Screws
Brown, W. T.	Lovelace	Spragins
Crumpton	Merrill	Sprott
Curry	Moody	Stokes
Espy	Nance	Vaiden
Folmar	Norman	

—25

Nays, 0.

Mr. Crumpton offered the following amendment to said bill:

Amend by adding the following:

"Provided, however, that any municipality may charge a flat minimum license at the beginning of each year for new companies doing business therein on which there shall be an adjustment at the expiration of such year upon such percentage basis as may be fixed by said municipality.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Curry	Nance
Morrow, Pres. Pro tem	Espy	Norman
Allen	Folmar	Plowman
Atkins	Godbold	Renfro
Beasley	Kilby	Rogers
Brown, C. W.	Merrill	Screws
Brown, W. T.	Moulthrop	Spragins
Crumpton		Stokes

—22

Nays, 0.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Folmar	Renfro
Morrow	Pres.Pro tem Frazer	Rogers
Allen	Godbold	Screws
Atkins	Justice	Sherrod
Beasley	Kilby	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Moulthrop	Stokes
Crumpton	Norman	Vaiden
Curry	Plowman	

—25

Nays, 0.

The bill:

H. 389. To provide for the conviction and punishment of persons entering into written contracts for the performance of an act or service and the rent of lands with intent to defraud and with like intent obtains money or property thereon.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Folmar	Renfro
Allen	Frazer	Rogers
Atkins	Godbold	Screws
Beasley	Merrill	Spragins
Brown, C. W.	Nance	Sprott
Brown, W. T.	Norman	Stokes
Crumpton	Plowman	Vaiden
Espy		

—21

Nays, 0.

The bill:

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation there-

of, providing for the appointment of a suitable person, when necessary, to enforce the same and prescribing his duties, compensation and to make appropriations therefor.

Was read a third time at length and passed.

Yeas, 17; nays, 1.

Yeas:

Messrs.:	Curry	Rogers
Morrow, Pres. Pro tem	Espy	Screws
Allen	Folmar	Sprott
Atkins	Godbold	Stokes
Beasley	Merrill	Tunstall
Brown, C. W.	Plowman	Vaiden
Brown, W. T.		

—17

Nays: Mr. Justice.—1.

RECESS.

At 1 o'clock p. m. on motion of Mr. Allen, the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Friday, March 3rd, 1911.

At 3:30 o'clock p. m., pursuant to Mr. Allen's motion of the forenoon, the Senate re-assembled.

ROLL CALL.

On a call of the roll eighteen Senators answered to their names, which is a quorum of the Senate as required by the Constitution.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Godbold:

S. 349. To provide for the more efficient working of the public roads in Wilcox County; to provide revenues for the same; to define the powers and duties of the County Commissioners with reference to same; to provide for the appointment of overseers and sub-overseers, and a civil engineer, defining their duties, and prescribe rules, regulations and penalties in order to carry into effect the purposes of this Act.

Public Roads and Highways.

With notice and proof as follows:

NOTICE.

There will be introduced at the session of the Legislature of Alabama which begins January 10th, 1911, a bill, the substance of which will be:

To provide for the more efficient working of the public roads of Wilcox county; to authorize the levy of a special road tax with the constitutional limits; to authorize the working of county convicts on the public roads; to provide for the payment into the road fund of all moneys derived from the hire of county convicts; to abolish the office of road supervisors; to provide for beat supervisors or overseers, and for sub-overseers or road-bosses under said beat overseers; to give the county commissioners general powers and authority over the roads of the county with power to appoint and remove overseers, to fix their pay, to pass any rules, regulations and provisions which they may deem necessary for the more efficient working of the roads, not inconsistent with the general laws of the State, including the power to fix the time of service of the various overseers; the power to condemn rights of way of roads, to condemn for use on the roads gravel, sand, timber and any other road material. Also to authorize the employment of a road engineer and any other expert help that may from time to time be necessary. To authorize the county commissioners of said county to allow compensation to the probate judge and county treasurer for such services as they may be called upon to

render in all matters pertaining to the roads under direction of said commissioners.

To provide for the payment of the county commissioners of the same per-diem and mileage as they are now allowed by law when engaged upon inspecting the public roads. To make it unlawful to ride or drive across a bridge out of a walk. To make it unlawful to plow or dig in or across a public road, or to obstruct the roads or ditches and to provide for the punishment of a violation of any of said road regulations by fine or imprisonment or hard labor. To require that any damage done to road or bridge by heavy hauling shall be repaired by the person causing the damage and to provide a penalty for his failing to do so. To require telephone and telegraph companies to keep their wires out of the public road and to prescribe penalties for failure to do so.

To authorize the county commissioners to change any special provisions of law applicative to Wilcox county alone, and to make and enforce all necessary rules and regulations for the working of said roads; to employ a competent surveyor or civil engineer for the use of the public roads, to fix his duties and compensation; to require persons operating saw-mills in the county, when hauling is done over the county roads, to first secure a license and to fix the amount of same and to fix a punishment of punishment for violation; to enter up any order or decree that they may deem wise for the benefit of the public roads of Wilcox county, not inconsistent with the general laws of the State. To provide that any person who violates any order or decree made by the court of county commissioners of said county under the provisions of this act shall be guilty of a misdemeanor, and on conviction must be fined not less than \$10.00 nor more than \$1,000.00.

To provide that sub-overseers or road bosses who work without other compensation shall be exempt from road duty immediately after he shall serve for the same time that he may serve as such sub-overseer or road boss. To provide that any overseer who fails or refuses to perform any duty imposed on him by this act or by the

orders and decrees of said commissioners shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars. All fines collected for violations of road law to be paid into road fund.

To authorize the county commissioners to issue warrants against the county for all services rendered to the public roads, for material, for such teams as they may buy or hire and for such tools and machines as they may purchase for said roads; and to authorize them to borrow money for road purposes on the credit of the county when they may deem it necessary. Camden, Ala., Jan. 12, 1911.

State of Alabama, {
 . Wilcox County. }

Before me, J. P. VanDeVoort, a notary public in and for said State and county, personally appeared Sol D. Bloch, who is known to me to be the publisher of the Wilcox Progressive Era, a newspaper published in Wilcox county, Alabama, and who, being by me first duly sworn, doth depose and say that the notice hereto attached, relating to local legislation for said county, was published in the said the Wilcox Progressive Era for four consecutive weeks, beginning on the 12th day of February, 1911.

S. D. Bloch,
 Publisher Wilcox Progressive Era.

Sworn to and subscribed before me, this 15th day of February, 1911.

J. P. VanDeVoort,
 Notary Public.

By Mr. Crumpton:

S. 350. To prevent tax assessors in this State from receiving or collecting any fees, or commissions, on assessments of escaped taxes, or raises in assessment of taxes made by the State tax commission of Alabama or by its agents, or employees, or by any county tax commissioner in this State; or on any assessment of prop-

erty made by him which is set aside and reassessed by the State tax commission of Alabama.

Judiciary.

By Mr. Sherrod.

S. 351. To prohibit the removal of the administration of estates of decedents from the probate court into the chancery court, or court of like jurisdiction, unless it be made to appear to the chancellor, or judge of the court of like jurisdiction into which it is proposed to remove such administration by a bill or petition verified by affidavit that such estate cannot be administered in the probate court and distributed equitably, and to require the complainant or petitioner filing the bill or petition to execute bond in double the value of the real and personal estate of decedent, and to pay costs and damages for the wrongful removal of such estate from said probate court.

Revision of Laws.

By Mr. Sherrod.

S. 352. To amend an act entitled an act to establish the Morgan county law and equity court, etc., approved February 25th, 1907.

Revision of Laws.

With notice and proof as follows:

AN ACT.

Notice is hereby given that a bill will be introduced at the present session of the General Assembly of Alabama to amend sections 1 to 36 of an act entitled an act to establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court and to prescribe rules and procedure for said court so that said sections will read as is herein below set out and numbered 1 to 36 inclusive, and notice is further given that the sections 37, 38, 39, 40 and 41 which were added by amendment to said bill by H. B. 1271, approved Aug. 9, 1907, shall be amended so as to read as is herein below set out and numbered 37, 38, 39, 40, 41.

Section 1. Be it enacted by the Legislature of Alabama, That there be, and hereby is, established in and for the county of Morgan a court of law and equity, which shall be called the Morgan county law and equity court, and which court shall have and exercise the jurisdiction, functions and powers which are now, or may hereafter be, by law, conferred upon the several circuit, chancery and city courts of the State. When exercising the jurisdiction, functions, and powers of courts of law, said court shall conform to the rules of procedure and practice in the circuit courts of this State, except as otherwise provided in this act, and when exercising the powers, functions, and jurisdiction of courts of equity it shall conform to the rules of procedure and practice in chancery courts of this State, except as otherwise provided herein. Provided, that the presiding judge of said court shall have power to make and adopt such rules of practice as may be required by a proper system of practice for said court, and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court, and shall not be in conflict with any of the laws of the State, or the rules of the supreme court, and may be changed or annulled by the supreme court of the State.

Sec. 2. That the present judge of said court shall serve the term to which he has been elected until the general election in 1916, and until his successor is elected and qualified at the said general election in the year 1916, and every six years thereafter, a judge of said court shall be elected by the qualified electors of said county, whose term of office shall be for six years from the date of his election, and until his successor is elected and qualified. The judge of said court so appointed and elected as herein provided, shall, before entering upon the duties of his office, take the oath of office required by law to be taken by the judge of the circuit courts of Alabama. The judge of said court, at the time of his appointment and election, shall have been a citizen of Morgan county, Alabama, for a period of one year next preceding his election, and shall be not less than twenty-one years of age, and shall be learned in the law.

Sec. 3. The judge of said Morgan county law and equity court shall have and exercise all the powers, functions and jurisdiction which are, or may hereafter be, lawfully exercised by the judges of the circuit courts and chancellors of the State, including authority to issue writ of injunction, prohibition, ne exeat, and all other writs which are now, or may hereafter be, lawfully issued by judges of the circuit courts, chancellors, and judges of the city courts of this State. Vacancies in the office of judge shall be filled by the governor, and the person so appointed shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term, and until his successor is elected and qualified. That the judge of said court may hold court for circuit judges and chancellors of this State and circuit judges and chancellors of this State may hold the said Morgan county law and equity court for the judge thereof, when it is deemed proper so to do and shall do so when directed as authorized by law. That the judge of said court may be impeached or removed from office for the same causes and in the same manner as is required by law for the impeachment or removal from office of judges of the circuit court.

Sec. 4. That the clerk of the circuit court of said county shall be ex-officio clerk of said Morgan county law and equity court on the law side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties in said court as in like cases in the circuit court, and shall be entitled to the same fees as in like cases in the circuit courts now, or hereafter, allowed by law. The said court shall adopt the seal for the law side of the court, which shall be in the custody of the said clerk. That the office of the said clerk during his term of office, and the records thereof, shall be kept at the courthouse of the said county.

Sec. 5. That the register in chancery of the chancery court of the said county shall be ex-officio register

of the said Morgan county law and equity court on the equity side of the docket, and have all the powers, and be liable to perform all the duties, and be subject to all the penalties, as in like cases in the chancery courts, now, or hereafter, provided by law. The said court shall adopt a seal for the equity side of said court which shall be in the custody of said register. That said register shall be entitled to the same fees as in like cases in the chancery court now, or hereafter, allowed by law. That the office of said register during his term of office, shall be kept at the courthouse of said county.

Sec. 6. That said court shall be held at the courthouse of Morgan county, or such other place as may be designated by the presiding judge in cases of emergency. There shall be two regular terms of said court in each year, one to be known as the winter term and one as the fall term. Special jury terms may also be held when in the opinion of the judge of said court, they shall be necessary for the proper transaction of the business therein, for which terms the judge shall enter an order on the minutes of the court, and juries for such special term must be drawn and summoned in the same manner as is now, or may hereafter be provided by law for drawing and summoning juries for special terms of the circuit court; provided, that there may be temporary adjournments of said court during the terms thereof, such as may be deemed expedient and proper by the judge of said court.

Sec. 7. That the winter term of said Morgan county law and equity court shall begin on the first Monday after the first day of January of each year and may continue in session until the first day of July. The fall term of said court shall begin on the first Monday in September of each year and may continue in session until the 25th day of December. The said Morgan county law and equity court shall be held in each year as may be determined and fixed by the presiding judge; that the judge of said court is hereby authorized to fix the time and manner of holding the session of said court; and the week or weeks in which equity cases shall be tried and a week or

weeks for the trial of cases in which a jury has been waived by the parties thereto, as provided in this act; a week or weeks for the settling of pleadings and forming of issue in cases which trial by jury as provided in this act, had been demanded by the parties thereto; a week or weeks for the trial of civil cases at law in which trials by jury have been demanded; a week or weeks for the trial of criminal and quasi criminal cases pending upon the dockets of said court, providing, that such times so selected and fixed by the judge shall be entered of record upon the minutes of said court, and such times of holding the court shall be fixed as soon as practicable after the appointment and qualification of said judge. Provided, the times so fixed for holding such session of the courts, may be amended or changed by the judge at any time and in any manner he may deem advisable such change and amendments to be entered upon the minutes of the court. Provided, further, that no case in which a jury is demanded as provided for in this act, shall be set down for a trial of the issues of fact at a day less than thirty days from the time at which the pleadings are settled and issues formed. Provided further, that no civil case at law in which a trial by jury has been demanded stands for trial at any jury term of said court until and before the pleadings therein have been settled and an issue or issues of fact have been formed; and, provided, further, that all jury cases in which the pleadings therein have been settled, and an issue or issues of fact have been formed; and, provided, further, that all jury cases in which the pleadings have been settled and the issues formed shall stand for trial at the term of said court immediately following the settling of the pleadings and the forming of the issue or issues therein; and it is hereby made ~~compulsory and mandatory upon the judge of said court,~~ at the terms thereof provided for the settling of pleadings and the forming of issues as hereinbefore provided, to settle the pleadings and to form the issues in all civil cases in which trial by jury are demanded. After the pleadings in any civil case have been settled and the issue or issues formed as herein provided, there may be

further pleadings therein at or during the jury term at which the same stands for trial, and amendments allowed therein; when good cause is shown to the court, and the cause may proceed without waiting thirty days and that at any time during the trial, and while the trial of the case is in progress either party may be allowed to amend so as to meet any phrase of the evidence not covered by the previous pleading then in the case that may be developed on the trial; provided, that the amendments herein and hereby permitted shall be allowed only upon such terms and conditions as the justice of the case may require.

Sec. 8. In all civil cases at law in said court the defendants therein shall be required by the summons therein served upon them, to appear and answer, plead or demur to the complaint within thirty days after such service of summons and complaint upon them, whether the said service shall be made in term time or in vacation; and in all cases commenced by attachment the defendant shall appear and answer, demur or plead within thirty days after the levy of the attachment and service of notice thereof, or in case the suit is against a non-resident, or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication; and in all other cases the defendant must appear and plead and demur within thirty days after the perfection of service upon him, and in all cases, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing for more than thirty days after service has been perfected upon him, or notice of appeal given, to appear and demur or plead shall be held to be in default, on motion of the plaintiff, shall be rendered against him, provided that the court may, for good cause shown, allow such judgment so obtained by default to be set aside and motions, demurrers or pleas to be filed on such terms as the court may think just.

Sec. 9. In all cases, whether commenced by summons and complaints, attachment or otherwise, the issue and questions of fact shall be tried by the court without the intervention of a jury unless the jury be demanded by

one of the litigant parties to said cause, prior to or immediately upon the settling of pleadings and the forming of an issue or issues of fact in such cause, and that thereupon and thereafter such cause is placed upon the trial docket of said court, that such demand must be entered of record at the time such demand is made; that this provision shall apply to all cases brought by appeal or certiorari from judgments of justices of the peace, where inferior tribunals, except cases in which the amount involved is less than twenty dollars, all such cases shall be tried by the court without the intervention of a jury.

Sec. 10. That whenever by reason of any ruling or decision of the court on the trial of the cause, either upon pleading, admission or rejection of evidence, or upon the charge to the grand jury, it may become necessary for the plaintiff to suffer a non-suit, the facts, point, ruling or decision may be reserved for the review of the supreme court by bill of exception or by appeal on the record as in other cases.

Sec. 11. In all cases tried by the court without the intervention of a jury, either party may, in writing, demand of the judge trying such case, that he finds the acts specially, and if a special finding be requested, the court must state in writing the facts as it finds them, and, such statement, with the judgment of the court, must be entered on the minutes.

Sec. 12. That this court hereby established shall have jurisdiction of all appeals from justices of the peace or notaries public ex-officio justice of the peace, or other courts of inferior jurisdiction in Morgan county, that all original and mesne processes, notices, citations, and writs scire facias shall be executed instanter and returned immediately upon the execution thereof by the officer receiving and executing the same. That all appeals in civil cases at law from inferior courts to said Morgan county law and equity court shall stand for trial when reached on the regular call of the docket at any time after ten day's notice of the suing out of such appeal shall have been given to the adverse party, as now required by law, subject to the conditions here-

inbefore expressed relating to the settling of pleadings and forming of issues in jury cases.

Sec. 13. That all garnishments issued from said court shall require an answer thereto, within thirty days after the service thereof; and upon a failure of any garnishee to make answer within thirty days he shall be deemed in default and a judgment nisi may be rendered against him upon motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi and unless otherwise ordered by the court, all citations, rules, writs of scire facias and notices issuing from said court shall require the party against whom they are issued to appear within thirty days after the service thereof; if the citation or notices are to be given by publication within thirty days after the perfection of service by publication; and all cases, whether commenced by summons or complaint, attachment or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant and his pleadings, or, if he does not appear within thirty days after the perfection of service upon him, at the end of thirty days.

Sec. 14. That the same law governing the drawing, summoning and empanelling of juries, both petit and grand in the circuit court shall apply and govern those in the said law and equity court.

Sec. 15. That in the trial of any cause at law without a jury in said court, in addition to the questions which may be, under the existing laws, presented to the supreme court for review, either party may by bill of exceptions, also present for review the conclusions and judgments of the court upon the evidence, and his special finding of the facts; and the supreme court shall review the same, if they find that there is any error, they shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings, as to the supreme court shall seem right.

Sec. 16. That the supreme court of this State shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner and in the same cases as such jurisdic-

tion may be exercised over the circuit court or the judge thereof, and the chancery courts or the chancellors thereof; and appeals may be taken from the judgments, orders and decrees of said court to the supreme court in the same manner, within the same time, and in the same cases as appeals are taken from judgments, orders or decrees of the circuit and chancery court to the supreme court.

Sec. 17. The venue in any case in said Morgan county law and equity court may be changed to other counties than Morgan, under the same rules and regulations as govern changes of venue in the circuit court. Should this act fail to make provision, to in any way organize the court, transact its business or carry into final effect its judgment and decrees, then in that event the law which governs the circuit court shall govern the final law side of said law and equity court as to the organization, transaction of business and execution of judgment or decrees and the law which governs the chancery court shall govern as to the equity side of said law and equity court regarding said organization, transaction of business and carrying into final effect decrees and judgments.

Sec. 18. That after ten days from the rendition of any judgment or decree, unless otherwise directed in said judgment, the clerk or register of said court shall issue execution returnable as herein provided. Provided, however, that nothing therein contained shall prevent any person from having execution issued within said ten days, upon making affidavit as now required by law, in relation to the issue of any execution upon judgments in the circuit court, and provided further, that nothing herein contained shall prevent the superseding of execution after the issue thereof, upon the filing bond as now required by law.

Sec. 19. That all laws of general nature now in force or that may hereafter be enacted giving jurisdiction to the circuit court and chancery court, shall be held to extend and apply to said court, although the said court may not be mentioned therein, unless the contrary be expressly provided and unless they are contrary to the

provisions of this act or the rules of practice which the judge of said law and equity court may adopt under this act.

Sec. 20. That the law which now governs the taking of appeals, preparing, tendering, signing, etc., of bills of exceptions in the circuit court shall apply in said law and equity court.

Sec. 21. That final judgment and decrees rendered in said court shall after the expiration of thirty days from their rendition, be taken and deemed as completely beyond control of the court, as if the term of said court, at which said judgments and decrees are rendered, had ended, at the end of the said thirty days; provided, however; that nothing herein contained shall prevent the parties from applying for a new trial or rehearing within the said thirty days, or destroy or change the office of motion for new trial or rehearing when so made, or shall prevent parties from applying to said court for rehearing under the statute authorizing applications for rehearing in the circuit court, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgments or the chancery court touching final decree.

Sec. 22. That all witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify and unless they prove their attendance within that time their fee shall not be taxed as costs, nor shall they be recoverable against either party.

Sec. 23. That the sheriff of the said county shall be in person or by deputy required to attend said court, preserve order, and execute and return its process and perform such other duties in all respects as in the circuit and chancery courts of this State, and he shall furnish all subordinate officers that may be necessary to expedite the business of said court the same as he is now required to do under the law governing him as an officer of the circuit and chancery courts of this State, the fees of the officers of said court for services rendered, and the compensation of the jurors and witnesses

therein shall be the same as now or may hereafter, be allowed for like services in the chancery courts of this State.

Sec. 24. The salary of the judge of the said court shall be two hundred and fifty dollars per month, payable as is now provided or may hereafter be by law.

Sec. 25. The law which now governs in the establishment of bills of exceptions in the supreme court on appeal from the circuit court shall apply in the said law and equity court.

Sec. 26. There shall be a solicitor for said law and equity court who shall be elected at the general election in 1912 and every four years thereafter. The solicitor now serving shall remain as solicitor until said date and until his successor is elected and qualified.

The solicitor for said court shall be a resident citizen of Morgan county at the time of his election and shall have been for one year next preceding his election, and shall be not less than twenty-one years of age and learned in the law.

Sec. 27. The solicitor for said court shall receive as compensation for his services the same fees as are now taxable by law for solicitors in criminal cases in the circuit courts of this State, to an amount not exceeding twenty-four hundred dollars per calendar year to be taxed and collected in said court in the same manner as such fees are taxed and collected in the circuit courts and said fees shall be paid to him instead of the State. Should there be an excess of funds after the said solicitor has received his salary or fees as above mentioned said excess shall go into the treasury of Morgan county.

Sec. 28. The said Morgan county law and equity court hereby created shall have jurisdiction of all causes which were triable by the county court of Morgan county. That prosecution of all misdemeanors may be instituted in the Morgan county law and equity court, as is now provided by law for instituting such proceedings in the county court of Morgan county, Alabama, and that affidavits and warrants issued by the justices of the peace and notaries public with powers of justices of the peace, or other officers authorized to issue

such process, may be made returnable to the said Morgan county law and equity court and when so returned shall stand for trial in said court.

That whenever an affidavit charging a misdemeanor is sworn out and the writ of arrest is made returnable to said law and equity court the cause shall be triable in said court by a jury upon said information without an indictment being preferred by a grand jury.

Sec. 29. That whenever, for any cause, a jury, grand or petit, shall be quashed by the court, or shall fail to have been drawn or summoned, or if drawn and summoned, shall fail to attend, the court may forthwith draw another jury or juries as is now provided for by law and order the sheriff to summon said jury or juries to serve for any time specified or ordered by the court; and such jury so summoned shall be competent and valid to try all causes pending in said court and perform all other duties as if such jury were regularly drawn and summoned for said court.

Sec. 30. That all indictments found by the grand jury of the circuit court of Morgan county, charging the commission of a misdemeanor shall be made returnable to the said Morgan county law and equity court; and shall be placed upon the docket of said law and equity court for trial the same as if the indictments had been found by a grand jury in the said law and equity court. Parties or their attorneys in civil suits may by agreement transfer cases from the circuit court and the chancery to said law and equity court and from law and equity court to the circuit court and the chancery court.

Sec. 31. That the solicitor for said court may be impeached or removed from office for the same causes and in the same manner, as is required by law for the impeachment or removal from office of solicitors of the circuit courts of the State.

Sec. 32. That there may be one or more grand juries for said court; at either term of said court that the judge of said court be, and he is hereby, authorized and empowered to order that a grand jury be summoned and to organize and empanel the same, at any time that he may deem proper and advisable; that such order for the sum-

moning and empanelling of said grand jury shall be entered on the minutes of said court; that such grand jury shall have power and authority, and it shall be its duty to investigate all matter and make all recommendations which the grand jury of the circuit court of Morgan county had authority to do or make.

Sec. 33. Whenever any trial is commenced before a jury and cannot be completed during the week in which the same began, then such trial shall continue into the next week, and until it shall be completed, and such jury shall continue to serve until such case is ended. Provided, that juries for trial of capital cases shall be drawn, summoned and empanelled as is now, or may hereafter be, provided by law for drawing, summoning and empanelling juries for the trial of capital cases in the circuit courts of the State.

The challenges of juries shall be the same as is now, or may hereafter be, provided by law in the circuit courts of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided in this act.

That the sheriff is authorized to summon jurors by mailing to them a summons and when a summons is so mailed it shall be a prima facie evidence that said person has received his summons.

Sec. 34. That all laws which now govern conduct of solicitors in the circuit court shall apply to said law and equity court.

Sec. 35. That the county commissioners shall provide all suitable furniture, stationery supplies, records and equipment for the maintenance of said court, and should the said commissioners fail to provide the necessary equipment for the said court the judge of the said court is authorized to purchase same and pay for it out of the treasury by a warrant signed by him and countersigned by the clerk or register.

Sec. 36. That this act shall go into effect immediately after its approval by the governor.

Sec. 37. That the court may allow the sheriff to appoint as many bailiffs as he might deem necessary to transact the business of the court, and they shall be

paid the same amount and in like manner as the bailiffs who now serve in the circuit court. Said bailiffs shall be appointed with the approval of the presiding judge.

Sec. 38. Should any cause be removed from the chancery or circuit court by agreement it shall take its place upon the docket of the law and equity court the same as it had been filed in the said law and equity court originally.

Sec. 39. At any time in vacation the court may by entering an order upon the minutes declare the said law and equity court in session and draw and empanel a jury the same as if the court were holding a regular term. Such case or cases may be set for trial as the court deem necessary and they shall stand for trial the same as if the court were holding a regular term.

Sec. 40. The court may if a defendant in a criminal case fail to answer when his case is called order that a forfeiture be taken upon his bond and order that he be re-arrested immediately and may require his bondsmen to come into court upon not less than thirty days' notice and show good cause why the defendant had failed to answer to his name.

Should the bondsmen fail to make a good and sufficient showing for such failure of the defendant to so appear, then the court may make the forfeiture final and require that the bond be paid as is now provided by law.

In all other respects the law which governs the forfeiture of bonds and the failure of defendants to appear at the trial in the circuit court shall apply in the said law and equity court.

Jan. 17th, 1911.

State of Alabama, }
Morgan County. }

Before me, Pearl Bracken, a notary public in and for said State and county, that day personally appeared J. C. Orr, who being by me first duly sworn, deposes and says:

I am the publisher of the Morgan County Times, a newspaper published weekly in the county of Morgan

and State of Alabama and there appeared a notice in said paper for four consecutive weeks, beginning on the 20th day of January, 1911, and each week thereafter appearing as stated for four consecutive weeks.

Said notice was published without cost to the State and was in words and figures as is hereto attached and marked exhibit "A."

J. C. Orr.

Sworn to and subscribed before me, this the 25th day of February, 1911.

Pearl Bracken,
Notary Public.

By Mr. Morrow.

S. 353. To amend section 3022 of the code of Alabama.

Judiciary.

By Mr. Morrow.

S. 354. To amend section 3019 of the code of Alabama.

Judiciary.

By Mr. Morrow.

S. 355. To regulate the presenting and signing of bills of exception and to provide for establishing bills of exception in the supreme court in all cases tried in any court of this State, with or without a jury, from which an appeal lies to the supreme court before any person acting as judge thereof, other than the regular judge of said court.

Judiciary.

By Mr. Morrow.

S. 356. To regulate the liquor traffic in all cities in the State of Alabama, which have a population of as much as 100,000 people, according to the last federal census, or which shall hereafter have such population according to any such census that may be taken hereafter, by regulating and providing for the manufacturing, selling, bartering, giving away, or otherwise disposing of spirituous, vinous or malt liquors and intoxicating beverages in said cities, by dispensaries, beer buf-

fets and social clubs, and to provide punishment for any violation thereof.

Temperance.

REPORTS OF COMMITTEES.

Mr. Spragins, chairman of the standing committee on Corporations, reported that said committee in session had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to wit:

By Mr. Spragins:

S. 319. To make a note or other written security given in this State in the purchase of a patent right, or any interest therein, subject in the hand of any holder or assignee to all the legal and equitable defenses to which it was subject in the hand of the original payee, when the fact that it was given in such purchase appears on its face, and to make it unlawful for any person, either in his own behalf or in a representative capacity, to take or receive for the sale of a patent right, or any interest therein, a note or other written security given for such right or any interest therein unless it shall clearly appear upon the face of the note or other security that the same is given in the purchase of a patent right or an interest therein, and to provide penalties for the violations of the provisions hereof.

By Mr. Thomas. (With substitute.)

H. 175. To amend an act entitled "An act to amend section 3613 of the code of Alabama of 1907."

ADVERSE REPORT.

Mr. Spragins, chairman of the standing committee on Corporations, reported that said committee in session had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Chamberlain.

H. 37. To amend section 3613 of the code of Alabama.

BILLS ON THIRD READING.

The bill:

H. 457. To transfer certain portions of the fine and forfeiture fund of Coosa county to the general road fund of Coosa county and to authorize the commissioners' court to expend the same on the public roads.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Espy	Plowman
Morrow, Pres.Pro tem	Folmar	Renfro
Allen	Godbold	Screws
Atkins	Justice	Sherrod
Beasley	Kilby	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Moulthrop	Sprott
Crumpton	Nance	Vaiden
Curry	Norman	

—25

Nays, 0.

The bill:

S. 316. To provide for the examination of plumbers and to establish a board therefor, and to regulate the business of installing sanitary plumbing and supervising and inspecting plumbing in cities or towns of this State, having a population of twenty-five thousand inhabitants or more, according to the Federal census of 1910, or any subsequent Federal census, and to provide penalties for the violation of this act.

Was read a third time at length and passed.

Yeas, 22; nays, 2.

Yeas:

Messrs.:	Brown, C. W.	Godbold
Morrow Pres.Pro tem	Brown, W. T.	Kilby
Allen	Curry	Merrill
Atkins	Espy	Moulthrop
Beasley	Folmar	Nance

Norman	Sherrod	Sprott
Plowman	Sloan	Vaiden
Screws	Spragins	

—22

Nays,: Messrs. Crumpton, Justice.—2.

The Bill:

S. 244. To amend section 6898 of the code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Espy	Norman
Morrow, Pres. Pro tem	Folmar	Plowman
Allen	Frazer	Rogers
Atkins	Godbold	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Moulthrop	Vaiden
Crumpton	Nance	

—22

Nays, 0.

SPECIAL ORDER SET.

The bill:

H. 173. To amend section 1861 of the code of Alabama.

Was taken up. Mr. Beasley moved that said bill be set as a special order for 12 o'clock on Wednesday, March the 8th, 1911, which motion prevailed and said bill was made a special order for the time and date specified.

The bill:

H. 31. To amend section 7324 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 20; nays, 1.

Yeas:		
Messrs.:	Folmar	Norman
Morrow, Pres. Pro tem	Godbold	Plowman
Allen	Justice	Rogers
Beasley	Kilby	Sloan
Brown, C. W.	Lovelace	Spragins
Brown, W. T.	Merrill	Sprott
Crumpton	Nance	Vaiden

—20

Nays: Mr. Frazer.—1.

RESOLUTION.

Mr. Morrow offered the following joint resolution:

S. J. R. 65. Be it resolved by the Senate, the House concurring, That when the Senate and House adjourn today they adjourn till 12 o'clock noon, on Monday, March 6th, 1911.

Which was adopted.

Yeas, 17; nays, 8.

Yeas:		
Messrs.:	Godbold	Rogers
Morrow Pres. Pro tem	Kilby	Sherrod
Brown, C. W.	Lovelace	Sloan
Crumpton	Nance	Spragins
Espy	Norman	Tunstall
Folmar	Renfro	Vaiden

—17

Nays:		
Messrs.:	Frazer	Moulthrop
Atkins	Justice	Plowman
Curry	Merrill	Screws

—8

The bill.

S. 304. To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

Was read a third time at length and passed.

Yeas, 16; nays, 8.

Yeas:

Messrs.	Folmar	Sherrod
Morrow Pres.Pro tem	Justice	Sloan
Atkins	Lovelace	Spragins
Brown, C. W.	Moulthrop	Stevens
Curry	Rogers	Vaiden
Espy	Screws	

—16

Nays:

Messrs.:	Kilby	Norman
Crumpton	Merrill	Plowman
Godbold	Nance	Renfro

—8

PAIRS ANNOUNCED.

Mr. Kilby announced that he and Mr. Stevens, who is absent, had paired on this vote; that if Mr. Stevens were present he would vote "Yea," and that he would vote "No."

The bill:

S. 305. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1911, except in the dispensary for said county, located in the city of Huntsville.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow, Pres.Pro tem	Godbold	Rogers
Atkins	Justice	Screws
Brown, C. W.	Kilby	Sherrod
Crumpton	Lovelace	Sloan
Curry	Merrill	Spragins
Espy	Norman	Vaiden

—20

Nays, 0.

The bill:

H. 484. To amend section two of an act, entitled "An act to create the office of official stenographer of Wal-

ker county, to provide for his appointment, fix his compensation and define his duties, and provide for special stenographers in certain cases," approved August 9th, 1907.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.	Justice	Plowman
Morrow, Pres. Pro tem	Kilby	Renfro
Atkins	Lovelace	Rogers
Beasley	Merrill	Screws
Brown, C. W.	Moulthrop	Sherrod
Crumpton	Nance	Spragins
Folmar	Norman	Vaiden
Godbold		

—21

Nays, 0.

The Bill:

H. 48. To authorize the holding of an election by the legally qualified voters of the cities of Decatur and New Decatur in Morgan county, Alabama, to determine whether said cities shall be consolidated and merged into one city, under the name of Decatur, Alabama; to provide for the holding of said election; and in the event a majority vote be cast for consolidation, to provide for the consolidating and merging of said cities in all things necessary and incident thereto.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:	Justice	Renfro
Allen	Kilby	Rogers
Beasley	Lovelace	Screws
Brown, C. W.	Merrill	Sherrod
Crumpton	Moulthrop	Spragins
Folmar	Norman	Vaiden
Godbold	Plowman	

—19

Nays, 0.

The Bill:

H. 9. To alter or rearrange the boundary lines of the city of Greenville, so as to exclude from the city of Greenville that certain territory described as the east half of the east half of section 13; and east half of east half of section 24, all in Township 10, N., Range 14, E.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Folmar	Plowman
Morrow, Pres.Pro tem	Frazer	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Spragins
Brown, C. W.	Merrill	Sprott
Crumpton	Norman	Vaiden
Espy		

—21

Nays, 0.

The bill:

S. 326. To regulate and provide for the volunteer military forces of the State of Alabama.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Frazer	Plowman
Morrow, Pres.Pro tem	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Moulthrop	Spragins
Crumpton	Nance	Sprott
Folmar	Norman	Vaiden

—23

Nays, 0.

The bill :

S. 331. To authorize and empower the judges of the several Law and Equity Courts in this State established by the present session of the Legislature of Alabama, or that may hereafter be created, to set down for trial any cause pending in said court; and to repeal any and all local laws to the contrary.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.	Folmar	Rogers
Morrow, Pres. Pro tem	Frazer	Screws
Allen	Justice	Sherrod
Atkins	Kilby	Spragins
Beasley	Merrill	Sprott
Brown, C. W.	Moulthrop	Tunstall
Brown, W. T.	Plowman	Vaiden
Crumpton		

—21

Nays, 0.

The bill:

S. 164. To provide for the appointment of an official bailiff for the city and circuit courts for the county of Montgomery, and to prescribe his duties, to fix his compensation, and to provide for the payment of the same.

Was read a third time at length and passed, and ordered same forthwith sent to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs. :	Espy	Plowman
Morrow, Pres. Pro tem	Frazer	Rogers
Allen	Godbold	Screws
Atkins	Justice	Spragins
Beasley	Merrill	Sprott
Brown, C. W.	Moulthrop	Tunstall
Brown, W. T.	Norman	Vaiden
Crumpton		

—21

Nays, 0.

The bill:

S. 325. To protect and preserve military property, and to prevent improper use and disposition of such property and to provide penalties therefor.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Crumpton	Screws
Morrow, Pres.Pro tem	Folmar	Sloan
Allen	Frazer	Spragins
Atkins	Merrill	Sprott
Beasley	Moulthrop	Tunstall
Brown, C. W.	Plowman	Vaiden
Brown, W. T.	Rogers	

—20

Nays, 0.

The bill:

S. 268. To amend section 3499 of the code.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Crumpton	Renfro
Morrow, Pres.Pro tem	Folmar	Rogers
Allen	Frazer	Screws
Atkins	Kilby	Sloan
Beasley	Merrill	Spragins
Brown, C. W.	Moulthrop	Sprott
Brown, W. T.	Plowman	Tunstall

—20

Nays, 0.

The bill:

S. 257. To amend section 1348 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Crumpton	Rogers
Morrow, Pres.Pro tem	Folmar	Screws
Allen	Frazer	Sloan
Atkins	Merrill	Spragins
Beasley	Moulthrop	Sprott
Brown, C. W.	Norman	Tunstall
Brown, W. T.	Plowman	

—19

Nays, 0.

The bill:

H. 145. To prohibit members of the State tax commission or any officer of the State tax commission and county tax commissioners from acting as agent or attorney for another in the assessment of taxes.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:	Folmar	Rogers
Morrow, Pres.Pro tem	Godbold	Sloan
Atkins	Justice	Spragins
Beasley	Merrill	Sprott
Brown, C. W.	Moulthrop	Tunstall
Brown, W. T.	Norman	Vaiden
Crumpton	Plowman	

—19

Nays, 0.

SPECIAL ORDER SET.

On motion of Mr. Beasley,

H. 354. To provide for the creation of a State highway commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation

hereinafter made shall be used for such purpose, and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Was made a special order for Tuesday, March 7th, 1911, at 1 o'clock P. M.

RESOLUTION.

Mr. Screws offered the following resolution:

S. R. 66. Resolved by the Senate, That at all future afternoon sessions of the Senate the secretary shall call the roll of the Senate and as the name of each Senator is called he shall be allowed to call up for passage one bill, provided that if the bill so called has been introduced by some Senator other than the one whose name has just been called the consent of the author of the bill shall be necessary to call such bill at such time.

Which was read and referred to the committee on Rules.

ORDER TO PRINT.

On motion of Mr. Morrow the secretary was directed to have 500 copies of:

S. 356. To regulate the liquor traffic in all cities in the State of Alabama, which have a population of as much as 100,000 people, according to the last Federal census, or which shall hereafter have such population according to any such census that may be taken hereafter, by regulating and providing for the manufacturing, buying, selling, bartering, giving away, or otherwise disposing of spirituous, vinous or malt liquors and intoxicating beverages in said cities, by dispensaries, beer buffets and social clubs, and to provide punishment for any violation thereof.

Printed for use of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

H. J. R. 77. Be it resolved by the House, the Senate concurring, That when the House and Senate adjourn tomorrow, March 4, 1911, they stand adjourned until Tuesday, March 7, 1911, at 11 o'clock A. M.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Spragins, the Senate concurred in and adopted H. J. R. 77, set out in the foregoing message from the House.

ADJOURNMENT.

On motion of Mr. Morrow, the Senate adjourned at 6:10 o'clock, P. M., to meet tomorrow morning at 11 o'clock.

THIRTY-THIRD DAY.

Saturday, March 4th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Sturdivant.

ROLL CALL.

Present:

Mr. President and		
Messrs.:	Brown, C. W.	Fite
Morrow, Pres. Pro tem	Brown, W. T.	Folmar
Allen	Crumpton	Frazer
Atkins	Curry	Justice
Beasley	Espy	Kilby

Lovellace	Norman	Spragins
Merrill	Renfro	Sprott
Miller	Rogers	Stevens
Moody	Screws	Stokes
Moulthrop	Sherrod	Tunstall
Nance	Sloan	Vaiden

—32

JOURNAL.

On motion of Mr. Folmar, the reading of the Journal of yesterday was dispensed with and the same was approved.

RESOLUTION.

Mr. Sherrod offered the following resolution:

S. R. 67. Whereas, an article has appeared in a certain newspaper of Alabama seriously reflecting upon the honor and integrity of Senator Godbold, and,

Whereas, the Senate of Alabama has heard the explanation of Senator Godbold regarding the charges made by said paper against him,

Now, therefore be it resolved, That we, the Senate of Alabama, do hereby express our entire confidence and belief in the honor and integrity of Senator Godbold and we do hereby go on record as believing that he has done nothing which in any manner could be construed as a doubtful act on his part and we do hereby endorse his course in full.

Mr. Atkins moved to amend said resolution by inserting therein the name of Senator Walker B. Merrill.

Which amendment was adopted.

And said resolution as thus amended, under a suspension of the rules, was unanimously adopted.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Screws:

S. 357. To regulate the fees of the sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense, and to provide the payment therefor.
Fees and Salaries.

By Mr. Screws:

S. 358. To amend an Act entitled "An Act to authorize the owners and operators of street railways to furnish free or reduced transportation to members of the police force and fire departments and sanitary inspectors of cities and towns of this State, into or through which said railways are operated, and to grant special or reduced rates to pupils attending schools." Approved November 23, 1907."

Commerce and Common Carriers.

By Mr. Screws (by request):

S. 359. To appropriate twenty-five thousand dollars (\$25,000.00) to be used by the oyster commission of Alabama, as provided for by law, in fostering, protecting, improving, developing and regulating the oyster industry of Alabama. In conserving the oyster resources of the state and in making the barren oyster bottom productive.

Finance and Taxation.

By Mr. Atkins:

S. 360. Regulating the conducting of races and contests of speed at State and county agricultural, horticultural and industrial fairs.

Military.

By Mr. Morrow (by request):

S. 361. To provide and create a Board of Election Commissioners for the government and holding of municipal elections and to establish same in all cities of Alabama which now have, or may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of such commissioners and their terms of office, to fix their powers, duties and compensation; to annul any law or any part of a law that conflicts with

the duties of the commissioners of this board, and otherwise to provide for the creation and maintenance of said election commission board.

. Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

S. 332. To place J. W. Moore, an ex-Confederate soldier of Hale county, Alabama, on the Confederate pension roll as a pensioner of the first class.

By Mr. Tunstall:

S. 330. For the relief of J. D. Cromer, an ex-Confederate soldier of Hale county, Alabama.

By Mr. Espy:

S. 336. For the relief of Mrs. Prasby Hodges of Henry county.

By Mr. Morrow:

S. 93. To amend sections 5253, 5254, 5255, 5258 and 5262 of the code of Alabama of 1907, and to repeal sections 5257, 5260 and 5261 of the code of Alabama of 1907.

By Mr. Espy:

S. 345. To fix the terms of office of the commissioners of Henry county, Alabama.

By Mr. Tunstall:

S. 348. To authorize the governor to rent office apartments in the city of Montgomery for the official use of State officers for whom adequate offices cannot be obtained in the capitol.

By Mr. Fowlkes:

H. 459. To amend section 5202 of the code of Alabama.

By Mr. Arnold:

H. 300. To authorize the reformation of deeds, mortgages and other conveyances of land, containing

an erroneous description at the suit of any person claiming title directly or remotely from the grantee in such deed, mortgage or other conveyance.

By Mr. Cranford:

H. 495. To provide for the election of a solicitor of the Walker county law and equity court and to ratify the election of solicitor held November 8th, 1910, and to fix his term of office.

Mr. W. T. Brown, chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sprott (with amendment):

S. 52. To appropriate money for the Alabama Normal College of Livingston, Alabama.

By Mr. Sprott (with amendment):

S. 136. To amend section 1993 of the code of 1907.

By Mr. Folmar:

S. 266. To authorize and require the superintendent of education to collect and publish accurate statistics in relation to all public schools and educational institutions of the State and any and all useful information connected therewith.

By Mr. Hollis, of Choctaw:

H. 244. To prescribe the duties and powers and to fix the compensation of the county superintendents of education of the several counties of this State.

Mr. Atkins, chairman of the standing committee on Fees and Salaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Horton:

H. 442. To repeal an act entitled "an act to fix and regulate the ex-officio fees of the sheriff of Limestone county, Alabama," approved March 5th, 1901.

ADVERSE REPORT.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report:

By Mr. Norman (by request):

S. 338. To amend section 7814 of the code of Alabama, of 1907.

By Mr. Sherrod:

S. 351. To prohibit the removal of the administration of estates of decedents from the probate court into the chancery court, or court of like jurisdiction, unless it be made to appear to the chancellor, or judge of the court of like jurisdiction into which it is proposed to remove such administration by a bill or petition verified by affidavit that such estate cannot be administered in the probate court and distributed equitably, and to require the complainant or petitioner filing the bill or petition to execute bond in double the value of the real and personal estate of decedent, and to pay costs and damages for the wrongful removal of such estate from said probate court.

By Mr. Merrill:

H. 498. To fix the punishment for an assault with intent to ravish, crime against nature, or an attempt to commit rape.

By Mr. McLendon:

H. 149. To amend section 6701 of the code of Alabama.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 257. To amend section 1348 of the code of Alabama.

S. 316. To provide for the examination of plumbers and to establish a board therefor, and to regulate the business of installing sanitary plumbing and supervis-

ing and inspecting plumbing in cities or towns of this State, having a population of twenty-five thousand inhabitants or more, according to the Federal census of 1910, or any subsequent Federal census, and to provide penalties for the violation of this act.

S. 305. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1911, except in the dispensary for said county, located in the city of Huntsville.

S. 268. To amend section 3499 of the code.

S. 331. To authorize and empower the judges of the several Law and Equity Courts in this State established by the present session of the Legislature of Alabama, or that may hereafter be created, to set down for trial any cause pending in said court; and to repeal any and all local laws to the contrary.

S. 325. To protect and preserve military property, and to prevent improper use and disposition of such property and to provide penalties therefor.

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a suitable person, when necessary, to enforce the same, and prescribing his duties, compensation and to make appropriations therefor.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 9. To alter or rearrange the boundary lines of the City of Greenville, so as to exclude from the City of Greenville that certain territory described as the East Half of the East Half of Section 13; and East Half of East Half of Section 24, all in Township 10, N., Range 14, E.

H. 31. To amend section 7324 of the code of Alabama.

H. 48. To authorize the holding of an election by the legally qualified voters of the cities of Decatur and New Decatur in Morgan county, Alabama, to determine whether said cities shall be consolidated and merged into one city under the name of Decatur, Alabama; provide for the holding of said election; and in the event a majority vote be cast for consolidation, to provide for the consolidating and merging of said cities in all things necessary and incident thereto.

H. 169. To provide a more efficient system for opening, building, changing, constructing, and working the public roads of St. Clair county. A board of road commissioners provided for. Their appointment, how made. Vacancies, how filled. Organization of such board. Duties of the chairman. Duties of the secretary and treasurer. Itemized account of receipts and disbursements to be published. Oath of office and bond to be given. Salaries provided for. Impeachment of the members of the board, how done. Authority, duties and powers of the board of road commissioners. Meetings, when and where held. Adoptions of new laws, rules and regulations concerning the public roads, etc., and publication of same provided for. No person other than those sentenced to hard labor for the county shall be compelled to work on the public road, etc. Per capita tax for road purposes provided for. Method of collecting same to be provided by the board. Alphabetical list of those liable to such tax to be kept by beats. No exemption of property from payment of per capita tax. May be discharged by work under the direction of the board. Misdemeanor to fail to pay such tax or to work eight days. Trials in the name of the State. Any person failing or refusing to discharge duties imposed guilty of a misdemeanor. Penalties provided. Misdemeanor to violate the rules and regulations, etc. Adopted by the board. Penalty for same. Court of county commissioners to levy special taxes for road purposes, how assessed and collected. Surplus in county treasury may be transferred to the

board. Disposition of funds in hands of treasurer of board. Proceeds arising from bond issue, to be handled by such board. Condemnation proceedings provided. All rights, powers, duties, etc. On commissioners' court with reference to public roads, etc. Now conferred by general law of State available and applicable to such board of road commissioners. Repeal clause.

H. 389. To provide for the conviction and punishment of persons entering into written contracts for the performance of an act or service and the rent of lands with intent to defraud and with like intent obtains money or property thereon.

H. 457. To transfer certain portions of the fine and forfeiture fund of Coosa county to the general road fund of Coosa county and to authorize the commissioners' court to expend the same on the public roads.

H. 484. To amend section two of an act, entitled "an act to create the office of official stenographer of Walker county, to provide for his appointment, fix his compensation and define his duties, and provide for special stenographers in certain cases," approved Aug. 9th, 1907.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present:

Mr. Norman gave the Senate the following:

NOTICE.

Is hereby given that on tomorrow, immediately after the report of committees, I will make a motion to take:

S. 92. To regulate and define what is known as the "filler" used in commercial fertilizer, sold and manufactured in Alabama, giving the name of substance in pounds on each bag or package, and provide penalty for the violation of same.

From the adverse calendar, place same upon a second reading, and have same placed on the regular calendar for a third reading.

Jas. D. Norman.

LEAVE OF ABSENCE.

Messrs. Godbold and Plowman were granted leave of absence for today.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 125. To amend section 3394 of the code of 1907.

S. 166. To amend an act "to establish a county court for the county of Clay," approved December 13, 1898, (and amended March 2, 1901 and August 6, 1907).

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 563. To regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the incorporated towns and cities of the State of Alabama whenever such manufacture, sale or other disposition is authorized either by law without an election or at and by an election by the qualified electors of the county in which such town or city is situated, for determining in and by such election whether the sale of such liquors shall be by dispensary or by private dealers un-

der license, to regulate the establishment and operation of such dispensaries as may be so authorized; to provide for the creation of an excise commission in such cities or towns in which the manufacture and sale of said liquors are authorized as herein provided; to prescribe the power and duties of such excise commission wherein the manufacture and sale of said liquors under license is authorized as herein provided; to prescribe the amount of license taxes to be paid by each licensee and the respective portions of the net revenue of each dispensary to be paid, respectively to the State, city or town operating the same, and the county in which the same is operated; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in the State of Alabama, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

And send same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 563, To Temperance.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Mulkey:

H. J. R. 78. Whereas, W. S. Harlan, S. E. Huggins, C. C. Hilton, Robert Gallagher and Walter E. Grace, citizens of the State of Alabama, are now serving a

term in the Federal prison in Atlanta, Georgia, under a conviction in the Federal court on a charge of a conspiracy to commit peonage; and whereas in addition to the said sentence, the said defendants have paid large fines in the aggregate amounting to approximately twenty-five thousand dollars; and whereas it is the universal opinion among those who know the facts of the case, that if guilty at all, that they were only technically guilty, and had no intention of offending against the laws of the United States regarding peonage; and whereas, we believe that the ends of justice have already been met by the time served, and that the dignity and sovereignty of the courts and of the United States have been fully maintained;

Now therefore be it resolved by the House of Representatives (the Senate concurring), That the President of the United States, Hon. William H. Taft, be and he is hereby most respectfully requested to issue to the aforesaid persons a full and complete pardon for the said offense, restoring them, and each of them, to all civil and political rights.

Be it further resolved, That a copy of this resolution be transmitted to the President of the United States, and that a copy be transmitted to the department of justice at Washington.

And send same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Crumpton, the Senate concurred in and adopted H. J. R. 78, set out in the foregoing message from the House.

SPECIAL ORDER SET.

On motion of Mr. Atkins:

H. 147. To amend section 7692 of the code of Alabama of 1907.

Was made a special order for Wednesday, March 8th, 1911, at 12:30 o'clock p. m.

ORDER TO PRINT.

On motion of Mr. Kilby, the secretary was directed to have 300 copies of:

S. 341: To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

Printed for the use of the Senate.

On motion of Mr. Tunstall the secretary was directed to have 1,000 copies of:

H. 563. To regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the incorporated towns and cities in the State of Alabama whenever such manufacture, sale or other disposition is authorized at and by an election by the qualified electors of the county in which such town, or city is situated, for determining in and by such elections whether the sale of such liquors shall be by dispensary or by private dealers under license; to regulate the establishment and operation of such dispensaries as may be so authorized; to provide for the creation of an excise commission in such cities or towns in which the manufacture and sale of said liquors are authorized as herein provided; to prescribe the powers and duties of such excise commission wherein the manufacture and

sale of said liquors under license is authorized as herein provided; to prescribe the amount of license taxes to be paid by each licensee and the respective portions of the net revenue of each dispensary to be paid, respectively to the State, city or town operating the same, and the county in which the same is operated; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in the State of Alabama, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

Printed for the use of the Senate.

BILLS ON THIRD READING.

The bill:

H. 66. To amend section 3 and 5 of an act entitled "an act to further regulate elections in the State of Alabama," approved Nov. 23rd, 1907.

Was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Crumpton	Moody
Morrow, Pres. Pro tem	Curry	Nance
Allen	Folmar	Norman
Atkins	Justice	Rogers
Beasley	Kilby	Screws
Brown, C. W.	Merrill	Sprott
Brown, W. T.		

—18

Nays, 0.

The bill:

H. 44. To impose a tax of one dollar a year on each male and two and one-half dollars on every female dog in the State of Alabama, over four months of age, and

to provide for the collection of such tax and to provide that all live stock killed or injured and all damages done thereto shall be paid for out of the Dog Tax fund, and to provide that the surplus left in dog tax fund on the first day of March of each year shall be paid into the public school funds of said county.

Was taken up.

Mr. Norman offered the following amendment to said bill:

By providing that all castrated dogs and spayed females, shall be exempted from the considerations of this bill and placed on the free list.

Which on motion of Mr. Sprott was laid upon the table.

SPECIAL ORDER SET.

On motion of Mr. Screws, said bill H. 44 was made a special order for Thursday, March 9th, 1911, at 12 o'clock m.

The bill:

S. 342. To amend Section four of an "Act to provide for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen," approved February 28, 1911.

Was read a third time at length and passed.

Yeas, 18; nays, 1.

Yeas:

Messrs.	Curry	Norman
Morrow, Pres. Pro tem	Folmar	Rogers
Allen	Justice	Screws
Atkins	Merrill	Sherron
Beasley	Moody	Sprott
Brown, W. T.	Nance	Tunstall
Crumpton		

Nay: Mr. Sloan.—1.

The bill:

S. 267. To repeal an act entitled an act to regulate the procedure in the trial of causes wherein lands are sought to be condemned, approved August 26, 1909.

Was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Folmar	Norman
Morrow, Pres.Pro tem	Justice	Rogers
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Moulthrop	Sprott
Brown, W. T.	Nance	Tunstall
Curry		

—18

Nays, 0.

The bill:

H. 182. To regulate the Fine and Forfeiture Fund of Coffee County, and claims against said funds, and requiring all fines and forfeitures to be paid in money, and making it a misdemeanor punishable by fine for any officer collecting moneys belonging to said fund to fail to pay the same to the County Treasurer within sixty days from the collection thereof.

Was taken up.

The following amendment offered by the committee:

Amend by striking out in the 3rd section of the bill the words, beginning on the 11th line of said section "provided, that the claims of the sheriff and circuit clerk shall be preferred claims and be paid first.

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Crumpton	Nance
Morrow, Pres.Pro tem	Curry	Norman
Allen	Folmar	Rogers
Atkins	Justice	Screws
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Tunstall
Brown, W. T.	Moulthrop	

—20

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Crumpton	Nance
Morrow, Pres. Pro tem	Curry	Norman
Allen	Folmar	Rogers
Atkins	Justice	Screws
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Moulthrop	Tunstall

—20

Nays, 0.

The bill:

H. 317. To provide for an official stenographer for the law and equity court of Mobile.

Was taken up.

The following amendment offered by the committee:

Amend the bill by adding at the end of section two thereof, the following:

At the time of electing the said stenographer, the said board of revenue and road commissioners of Mobile county, shall appoint an examining board consisting of three reputable members of the Mobile bar engaged in the active practice, who shall examine the said stenographer and shall report to said board of revenue and road commissioners in five days after their appointment, whether or not the said stenographer is competent to fill the said position. If the said examining board report that said stenographer is not competent, then the election of the said stenographer shall stand vacated and annulled by such report, and the said board of revenue and road commissioners, at their next meeting shall elect another stenographer and select a like examining board who shall examine such other stenographer and report in the same manner and with like effect. Whenever the examining board reports that the stenographer who has been elected is competent to fill the position, then such election shall become absolute, and said stenographer shall fill the said position for the

term for which he is selected and until his successor is elected and qualified.

Further amend bill by adding at the end of section five thereof, the following:

Provided, however, that the said stenographer shall not be authorized to absent himself from the said court merely for the purpose of doing other stenographic work, or attending to any ordinary business matters.

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Crumpton	Norman
Morrow, Pres.Pro tem	Curry	Rogers
Allen	Folmar	Screws
Atkins	Justice	Sherrod
Beasley	Lovell	Sloan
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Nance	Tunstall

—20

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Crumpton	Merrill
Morrow Pres.Pro tem	Curry	Nance
Allen	Folmar	Norman
Atkins	Justice	Rogers
Beasley	Kilby	Sloan
Brown, C. W.	Lovell	Sprott
Brown, W. T.		

—18

Nays, 0.

The bill:

S. 14. To amend section 1193 of the code of 1907 of Alabama.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Crumpton	Moody
Morrow, Pres. Pro tem	Curry	Moulthrop
Allen	Folmar	Nance
Atkins	Justice	Norman
Beasley	Kilby	Rogers
Brown, C. W.	Lovelace	Sprott
Brown, W. T.	Merrill	Tunstall

—20

Nays, 0.

The bill:

S. 131. To provide regulations for the transportation of explosives by common carriers between points within the State of Alabama, and to provide penalties for the violation thereof.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Morrow Pres. Pro tem	Frazer	Norman
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sprott
Crumpton	Moody	Tunstall

—20

Nays, 0.

The bill:

H. 239. To amend sections 698, 711, 712, 718, 730, and 731 of the code of Alabama of 1907.

Was taken up.

The following amendment offered by the committee:

Amend section 730 by adding thereto the following words: "In no case shall a license fee in any county, including the fee of twenty-five cents, exceed two dollars (\$2.00)."

Was adopted.

Yeas, 17; nays, 2.

Yeas:

Messrs.:	Folmar	Moody
Morrow, Pres. Pro tem	Frazer	Nance
Atkins	Justice	Norman
Brown, C. W.	Kilby	Rogers
Crumpton	Lovelace	Sprott
Curry	Merrill	Tunstall

—17

Nays: Messrs. Allen, Sloan.—2.

Mr. Justice offered the following amendment:

Amend section 730, by striking out in the 4th and 5th lines the following words: "Furnishing such information as is on record in his office."

Which was adopted.

Yeas, 20; nays, 1.

Yeas:

Messrs.:	Folmar	Nance
Morrow, Pres. Pro tem	Frazer	Norman
Atkins	Justice	Rogers
Brown, C. W.	Kilby	Sherrod
Brown, W. T.	Lovelace	Sloan
Crumpton	Merrill	Sprott
Curry	Moody	Vaiden

—20

Nay: Mr. Allen.—1.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Curry	Moody
Morrow, Pres. Pro tem	Frazer	Nance
Allen	Justice	Norman
Atkins	Kilby	Rogers
Beasley	Lovelace	Sherrod
Brown, W. T.	Merrill	Sprott
Crumpton		

—18

Nays, 0.

The bill:

H. 258. To require the commissioners' court of Morgan county, to work all the county convicts of said county, on the public roads of said county.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Kilby	Sloan
Atkins	Moody	Spragins
Beasley	Moulthrop	Sprott
Brown, C. W.	Nance	Stokes
Brown, W. T.	Rogers	Tunstall
Folmar	Screws	Vaiden
Frazer	Sherrod	

—19

Nays, 0.

The bill:

S. 111. To regulate the practice of veterinary medicine and surgery in the State of Alabama.

Was taken up.

The committee offered the following amendment:

Amendment by committee: Amend by inserting above the title the words "a bill to be entitled."

Second: After the title insert the words, "Be it enacted by the Legislature of Alabama, as follows, to-wit: "and insert the figure "1" at the beginning of the first section, and strike out the words "section 1, "Be it enacted by the Legislature of Alabama, That" where they occur at the beginning of section one.

Third: Amend section 2 by striking out in line 3 the word and figure "5" and insert in lieu thereof the word and figure "3".

Was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs.	Atkins	Crumpton
Morrow, Pres.Pro tem	Beasley	Curry
Allen	Brown, W. T.	Folmar

Frazer	Nance	Sherrod
Kilby	Norman	Sprott
Merrill	Rogers	Tunstall
Moody	Screws	

—19

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Curry	Nance
Morrow, Pres.Pro tem	Folmar	Norman
Allen	Frazer	Rogers
Atkins	Justice	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Merrill	Sprott
Crumpton	Moody	Tunstall

—20

Nays, 0.

The bill:

S. 198. To amend sections 1439, 1440 and 1441 of the code of Alabama, of 1907.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Folmar	Norman
Morrow Pres.Pro tem	Frazer	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Moody	Sprott
Curry	Nance	Tunstall

—20

Nays, 0.

The bill:

S. 303. To amend section 4480 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Morrow, Pres. Pro tem	Frazer	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Sprott
Curry	Moody	Tunstall

—20

Nays, 0.

The bill:

S. 273. To further prescribe the duties of the assistant attorney general.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Morrow, Pres. Pro tem	Frazer	Norman
Atkins	Justice	Rogers
Beasley	Kilby	Screws
Brown, C. W.	Lovelace	Sherrod
Brown, W. T.	Merrill	Sloan
Curry	Moody	Tunstall

—20

Nays, 0.

The bill:

H. 254. To amend sections 7833, (5612) (3875) (4417) (4420) (3736, 3738) (189, 191) of the code of Alabama of 1907.

Was taken up.

The following amendment offered by the committee:

Amend by inserting after the word Alabama in the first line the words "That section 7833 be amended so as to read as follows:

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Crumpton	Moody
Morrow, Pres. Pro tem	Curry	Nance
Allen	Folmar	Norman
Atkins	Frazer	Rogers
Beasley	Justice	Screws
Brown, C. W.	Kilby	Sherrod
Brown, W. T.	Merrill	Sprott

—20

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.	Curry	Nance
Morrow, Pres. Pro tem	Folmar	Norman
Allen	Frazer	Rogers
Atkins	Justice	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Lovell	Sloan
Brown, W. T.	Merrill	Sprott
Crumpton	Moody	Tunstali

—23

Nays, 0.

The bill:

H. 205. To provide for the regulation and licensing of dentists in the State of Alabama; to establish a Board of Dental Examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to provide penalties and punishment for violations of the

provisions of said act, and to repeal all general and local laws in conflict with said act.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Curry	Moody
Morrow Pres.Pro tem	Folmar	Norman
Allen	Frazer	Rogers
Atkins	Justice	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Lovelace	Sloan
Brown, W. T.	Merrill	Sprott
Crumpton		

—21

Nays, 0.

The bill:

S. 78. To fix the salary of the reporter of the decisions of the supreme court of Alabama; to provide a stenographer for the reporter, and to fix the salary of such stenographer.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Folmar	Norman
Morrow, Pres.Pro tem	Frazer	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Moody	Sprott
Crumpton	Nance	Tunstall
Curry		

—21

Nays, 0.

The bill:

S. 192. To amend section 3720 of the code of Alabama of 1907.

Was taken up.

Mr. Tunstall offered the following amendment to said bill:

Amend by adding at the end of the last section, the words, "no local laws shall be repealed by the provisions of this act."

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs.:	Justice	Norman
Atkins	Kilby	Rogers
Beasley	Merrill	Screws
Brown, C. W.	Moody	Sherrod
Brown, W. T.	Moulthrop	Sprott
Crumpton	Nance	Tunstall
Frazer		

—18

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Folmar	Norman
Morrow, Pres. Pro tem	Frazer	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Sprott
Brown, W. T.	Moody	Tunstall
Crumpton	Nance	

—22

Nays, 0.

The bill:

H. 490. To amend section 2974 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:		
Messrs.:	Folmar	Norman
Allen	Frazer	Rogers
Atkins	Justice	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Lovelace	Sloan
Brown, W. T.	Merrill	Sprott
Crumpton	Moody	Tunstall
Curry		

—21

Nays, 0.

ADJOURNMENT.

On motion of Mr. Sprott and pursuant to the House joint resolution heretofore adopted the Senate at 1:10 o'clock p. m. adjourned until Tuesday the 7 day of March, 1911, at 11 o'clock.

THIRTY-FOURTH DAY.

Tuesday, March 7th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Carey, of Birmingham.

ROLL CALL.

Present:

~~Mr. President and~~

Messrs.:	Curry	Kilby
Morrow, Pres. Pro tem	Espy	Lovelace
Allen	Fite	Merrill
Atkins	Folmar	Miller
Beasley	Frazer	Moody
Brown, C. W.	Godbold	Moulthrop
Brown, W. T.	Justice	Nance
Crumpton		

Norman	Sherrod	Stevens
Renfro	Sloan	Stokes
Rogers	Spragins	Tunstall
Screws	Sprott	Vaiden

—33

JOURNAL.

On motion of Mr. Allen, the reading of the Journal of yesterday was dispensed with and the same was approved.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. John Craft, W. G. McCarrey, Ex-Senator Jno. J. King, W. S. Keller, Jas. Gordon and D. O. Austin.

RESOLUTION.

Mr. Rogers offered the following resolution:

S. R. 68. Whereas the Senate has learned with deep regret of the death in Texas of a Confederate soldier a brother of Senator T. S. Plowman.

Be it resolved, That the Senate tender to him its profound sympathies in his bereavement.

Which, under a suspension of the rules, was adopted.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bills:

S. 166. An act to amend an act "to establish a county court for the county of Clay" approved Dec. 13th, 1898 (and amended March 2nd, 1901, and August 6th, 1907).

S. 125. An act to amend section 3394 of the code of 1907.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled bills.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish Police Commissioners, Aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said Commission form of government.

H. 66. To amend section 3 and 5 of an act entitled "an act to further regulate elections in the State of Alabama," approved Nov. 23rd, 1907.

~~H. 145. To prohibit members of the State tax commission or any officer of the State tax commission and county tax commissioners from acting as agent or attorney for another in the assessment of taxes.~~

H. 205. To provide for the regulation and licensing of Dentists in the State of Alabama; to establish a Board of Dental Examiners, to provide for their election, and

prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice Dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

H. 258. To require the commissioners' court of Morgan county, to work all the county convicts of said county, on the public roads of said county.

H. 490. To amend section 2974 of the code of Alabama.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sherrod:

S. 362. To amend section 555, 558, and 560 of the code of Alabama.

Revision of Laws.

By Mr. Sloan:

S. 363. To amend section 679 of the political code of Alabama of 1907.

Forestry, Conservation and Preservation of Game.

By Mr. Sloan:

S. 364. To amend section 682 of the political code of Alabama of 1907.

Forestry, Conservation and Preservation of Game.

By Mr. Merrill:

S. 365. To amend sections 1861, 1862 and 1863 of the code of Alabama.

Education.

By Mr. Sprott:

S. 366. To permit surviving trustee or trustees to execute trust.

Judiciary.

By Mr. Sprott:

S. 367. To permit grand juries to exercise a discretion in all misdemeanors.

Judiciary.

By Mr. Sprott:

S. 368. To allow defendants in all misdemeanors to demand trial by jury.

Judiciary.

By Mr. Screws:

S. 369. To provide for the appointment by the sheriff of Montgomery county, Alabama, of an assistant night jailor, to fix his compensation and prescribe his duties.

Local Legislation

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Alabama Legislature providing for an assistant night jailor as recommended by the grand jury, October term of the city court, 1910.

State of Alabama, }
Montgomery County. }

Personally appeared before me, Alma Tillery, a notary public in and for said State and county, Brame Hood, who states on oath that he is advertising manager of the Montgomery Journal, and that the attached notice appeared in the Montgomery Journal on January 2, 9, 16, and 23, 1911.

Brame Hood,
Advertising Manager.

Sworn to and subscribed before me this 6th day of March, 1911.

Alma Tillery,
Notary Public.

By Mr. Screws:

S. 370. To increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

Fees and Salaries.

With notice and proof as follows:

NOTICE.

Notice is hereby given that application will be made to the next Legislature of the State of Alabama, which convenes January 10th, 1911, for the passage of an act to increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually, to be paid out of the funds of the county treasurer of Montgomery county, in monthly installments of \$350.00; the provisions of this act to take effect from and after January 1st, 1915.

State of Alabama, }
Montgomery County, }

Personally appeared before me, the undersigned authority, S. Bauer, who being first duly sworn, thus deposes and says, that he is the secretary of the Montgomery Times, a daily newspaper, published in Montgomery county, Alabama, and that notice was given in said paper for four consecutive weeks, beginning November 10th, of the intention to introduce a bill to increase the salary of the solicitor of Montgomery county, from three thousand dollars to forty-two hundred dollars annually, and setting forth the substance of the proposed bill, a copy of which notice is hereto attached.

S. Bauer,
Secretary Montgomery Times.

Sworn to and subscribed before me this the 6th, day of March, 1911.

R. G. Arrington,
Notary Public, Montgomery County, Ala.

By Mr. Screws:

S. 371. To regulate the charges for tolls for long distance telephone service between points within this State to prevent discrimination and provide penalties for the violation of this act.

Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Merrill, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Screws:

S. 358. To amend an act entitled an act to authorize the owners and operators of street railways to furnish free or reduced transportation to members of the police force and fire department and sanitary inspectors of cities and towns of this State, into or through which said railways are operated, and to grant special or reduced rates to pupils attending schools, approved November 23, 1907.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sherrod:

S. 352. To amend an act entitled an act to establish the Morgan county law and equity court, etc., approved February 25th, 1907.

Mr. Beasley, Chairman of the standing committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walker :

H. 458. To authorize the Court of County Commissioners of Coosa County to buy mules, horses, road machines and tools for the purpose of working the public roads of Coosa County; to work the convicts of Coosa County on the public roads of said county; to employ laborers and superintendents to work and supervise the working of the public roads of said county; to collect from persons subject to road duty in lieu of work on public roads the sum of \$7.50 each per annum, and to provide for collecting the same; to buy for use on said public roads any and all kinds of road material, to employ an engineer to survey and grade said public roads; to fix the age of road duty from 18 to 55 years and to use such sums of money from the general funds of said county for the purpose of working and improving such roads as said Court of County Commissioners may deem necessary.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Curry :

S. 343. To authorize, empower and require the Commissioner's Court, Board of Revenue, or other court of like jurisdiction, of Chilton County, Alabama, to donate or appropriate a sum of money not less than Two Hundred (\$200.00) Dollars, and not more than Five Hundred (\$500.00) Dollars, annually from the county treasury, which said money, so appropriated, shall be used in awarding prizes or premiums to be offered to encourage a better system of agriculture and stock raising in said county; to create a Board of Award which shall make rules and regulations governing the awarding of the prizes or premiums, and provide for the payment of said money.

By Mr. Norman (taken from adverse calendar):

S. 92. To regulate and define what is known as the filler used in commercial fertilizers, sold and manufactured in Alabama, giving the name of substance in pounds on each bag or package, and provide penalty for the violation of the same.

ADVERSE REPORT.

Mr. Nance, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Fowlkes:

H. 184. To prohibit the transportation of cotton seed and unginned cotton from any county in Alabama where the cotton boll weevil is known to exist to any county in Alabama where the cotton boll weevil is not known to exist, and to provide for the condemnation and destruction of any cotton or cotton seed so shipped.

Mr. Brown, C. W., chairman of the standing committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Arnold:

H. 393. To exempt from the payment of poll taxes the active members in good standing of all volunteer fire companies in incorporated towns and cities in this State.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

MR. President:

The committee on Engrossed bills have examined the following Senate bills:

S. 304. To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

S. 267. To repeal an act entitled an act to regulate the procedure in the trial of causes wherein lands are sought to be condemned, approved August 26, 1909.

S. 14. To amend section 1193 of the code of 1907 of Alabama.

S. 273. To further prescribe the duties of the assistant attorneys General.

S. 78. To fix the salary of the reporter of the decisions of the supreme court of Alabama; to provide a stenographer for the reporter, and to fix the salary of such stenographer.

S. 131. To provide regulations for the transportation of explosives by common carriers between points within the State of Alabama, and to provide penalties for the violation thereof.

S. 192. To amend section 3720 of the code of Alabama of 1907.

S. 342. To amend section four of an "act to provide for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen," approved February 28, 1911.

S. 303. To amend section 4480 of the code of Alabama.

S. 111. To regulate the practice of veterinary medicine and surgery in the State of Alabama.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

REPORT FROM RULES COMMITTEE.

Mr. Tunstall, chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, and they were severally read a second time and adopted, to-wit: By Mr. Screws:

S. R. 64. Relative to the appointment of a standing committee by President pro tem. consisting of 18 mem-

bers for the purpose of re-apportioning the United States Congressional districts of Alabama, to be known as the committee on Re-apportionment and Re-districting of Congressional Districts.

By Mr. Screws:

S. R. 66. Relating to future afternoon sessions of the Senate, to the effect that the roll shall be called and each senator be allowed to call up for passage one local bill. The consent of the author of a bill, is necessary to its passage at such time.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 295. To amend sections 1712, 1713, 1714, 1715, and 1716, of the code of 1907.

H. 243. To provide for the office of county treasurer of public school funds in the several counties of Alabama and to prescribe the duties thereof.

And send the same herewith to the Senate.

Also:

H. 501. To regulate the fine and forfeiture fund of Fayette county, Alabama; to require registered claims against said fund to be presented by the fifteenth day of October, 1911, and to transfer any surplus belonging to said fund to the general or other special fund of the county as may be directed by order of the county commissioners.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its session, convening in January, 1911, to enact a law in substance as follow:

Section 1. That it shall be the duty of the county treasurer of Fayette county, Alabama, within thirty days after the passage of this act to give notice by pub-

lication in some newspaper published in Fayette county, once a week for four consecutive weeks, and again give such notice for four weeks beginning with the first issue of such newspaper in September, 1911, notifying all persons holding registered or lawful claims against the fine and forfeiture fund of said county to present the same for payment by the 15th day of October, 1911, and if such claims are not so presented within such time, they shall be forever barred, and the said county treasurer shall not hold funds for the payment of such claims not so presented.

Sec. 2. That the county treasurer of said county shall transfer any balance on the 31st day of December, 1911, and every year thereafter, of the fine and forfeiture fund in excess to the registered claims not barred and lawful charges against said fund, to the general fund or to any aforesaid fund to which any order of the county commissioners, expressed in writing and spread upon the minutes of the court, he may be directed.

Sec. 3. That the county treasurer of said county shall report to the commissioners court of said county at the terms held nearest January 1st and July 1st of each year, the amount of cash to the credit of said fund, and also the registered and valid liabilities against such a fund, specifying particularly the sources from which received and the purposes for which expended.

Sec. 4. That all laws and parts of laws, local, general or special, in conflict with the provisions of this act are hereby repealed.

State of Alabama. }
Fayette County }

Before me, E. E. Thomason, a notary public, in and for said county and State, personally appeared Turner A. Wilson, who, after being duly sworn, upon his oath says, that he is the editor and publisher of the Fayette Banner, a weekly newspaper, published in Fayette county, Alabama, and that the attached notice appeared therein for four weeks consecutively, to-wit:

the issues of January 26th, February 2nd, 9th, and 16th, 1911.

Turner A. Wilson,
Editor and Publisher Fayette Banner.

Sworn and subscribed to before me on this the 15th day of February, 1911.

E. E. Thomason,
Notary Public.

H. 546. For the relief of J. W. Autrey, of Marengo county.

And send the same to the Senate with the notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to refund J. W. Autrey the sum of two hundred dollars (\$200.00) paid by him on a forfeiture taken against the bondsmen of Charlie Autrey in the circuit court of Marengo county, and to provide for the payment of same out of the fine and forfeiture fund of Marengo county.

A. Citizen.

State of Alabama, }
Marengo County. }

Before me, I. I. Canterbury, a notary public in and for said State and county, personally appeared Lamar Matkin, known to me to be business manager of the Democrat-Reporter, who being duly sworn, states upon oath that the notice of a bill for the relief of J. W. Autrey, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks, beginning on January 26th, and ending February 16th, 1911.

Lamar Matkin,
Business Manager, Democrat-Reporter.

Sworn to and subscribed before me this 20th day of February, 1911.

I. I. Canterbury,
Notary Public.

H. 527. To authorize the board of revenue of Montgomery county to retain and employ an attorney at law; to fix the services which said attorney at law may be required to render, and to fix his compensation therefor.

And send the same to the Senate with the notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that there will be introduced, for passage, in the present session of the Legislature of Alabama, a bill to authorize the board of revenue of Montgomery county to retain and employ an attorney at law, to fix the services which he may be employed to render and a compensation therefor.

State of Alabama, }
Montgomery County. }

Andrew Allen being duly sworn on oath, deposes and says that he is the bookkeeper of the Montgomery Times, which is a newspaper, published in the county of Montgomery, Alabama; that the notice of which the foregoing is a copy was published in said Montgomery Times, once a week for four consecutive weeks without cost to the State of Alabama, said publication being on the 20th and 27th, days of January, and the 3rd and 10th, days of February, respectively, 1911.

Andrew Allen.

Sworn to and subscribed before me this 15th day of February, 1911.

Daisy Jones,
Notary Public, Montgomery County, Ala.

H. 544. To create the office of official stenographer for Etowah county, to provide for his appointment, to prescribe his duties, fix his compensation, and provide for the payment of the same.

And send the same to the Senate with the notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature now in session at Montgomery creating the office of official stenographer for Etowah county, providing for the appointment, prescribing his duties, fixing his compensation and providing for the payment of the same.

This notice is given in pursuance of the requirements of the constitution as to advertising local bills to be introduced in the Legislature.

This January 16, 1911.

State of Alabama, }
Etowah County. }

Before me, L. L. Herzberg, judge of probate, in and for said State and county, personally came A. W. McCulloch, who being first duly sworn, deposeth and says that he is the Business Manager of the Evening Journal Publishing Company, and that the notice hereto attached was published in the Evening Journal, a newspaper, published in Gadsden, Etowah county, Alabama, once per week for four consecutive weeks beginning January 16th, 1911.

A. W. McCulloch.

Subscribed and sworn to before me on this the 16th day of February, 1911.

L. L. Herzberg,
Judge of Probate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 295, 243, To Education.

H. 501, To Fees and Salaries.

H. 546, 527, 544, To Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to:

H. 254. To amend section 7833 (5612) (3875) (4417) (4420) (3736, 3738) (189, 191) of the code of Alabama of 1907.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following House joint resolution:

By Mr. Almon:

H. J. R. 81. Resolved by the House, the Senate concurring, That colonel James Gordon, former United States Senator from Mississippi, be invited to address the Legislature in the House of Representatives at 12:45 o'clock today.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, the Senate concurred in and adopted H. J. R. 81, set out in the foregoing message from the House.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. President:

Your committee on revision of the Journal, beg leave to report that it has carefully examined the Journal of the Senate for the thirty-first, thirty-second and thirty-third legislative days and finds that they are correct as to all original entries and references thereto and that the same comply with all constitutional requirements.

W. C. Crumpton,
Chairman.

On motion of Mr. Crumpton the foregoing report from the committee on revision of the Journal was received and concurred in and the Journal of the Senate for the thirty-first, thirty-second and thirty-third legislative days were approved by the Senate.

MOTION TO RECONSIDER WITHDRAWN.

Mr. Crumpton withdrew from the consideration of the Senate, his motion to reconsider the vote by which the Senate passed the substitute for:

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

TAKEN FROM ADVERSE CALENDAR.

In pursuance of the written notice heretofore given, Mr. Norman made motion to take:

S. 92. To regulate and define what is known as the filler used in commercial fertilizers, sold and manufactured in Alabama, giving the name of substance in pounds on each bag or package, and provide penalty for the violation of the same.

From the adverse calendar, put same upon its second reading and on the regular calendar for a third reading on tomorrow.

Which motion prevailed.

Yeas, 23; nays, 2.

Yeas:

Messrs.:	Folmar	Norman
Allen	Frazer	Rogers
Atkins	Godbold	Screws
Beasley	Justice	Sherrod
Brown, C. W.	Miller	Sloan
Brown, W. T.	Moody	Sprott
Curry	Moulthrop	Tunstall
Fite	Nance	Vaiden

Nays: Messrs. Espy and Stokes.—2.

And said bill was accordingly taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading on tomorrow.

RECESS.

At 12:45 o'clock p. m. on motion of Mr. Tunstall, the Senate took a recess until 3:30 p. m., to give the Senators an opportunity to hear Hon. Jas. Gordon, late a U. S. Senator from Mississippi, deliver an address in the Hall of the House of Representatives.

AFTERNOON SESSION.

Tuesday, March 7th, 1911.

The Senate re-assembled at 3:30 o'clock p. m.

ROLL CALL.

On a call of the roll, 20 senators answered to their names, a quorum of the Senate, as required by the Constitution.

State of Alabama—Executive Department.

Emmet O'Neal Governor,
Montgomery Alabama.

March 7th, 1911.

To the Senate:

I herewith return Senate bill 28, without my approval, and suggest the following amendment to meet my objection:

Strike out from section 10 of the bill the following words where they occur in said section: "Shall be deemed guilty of a violation of the provisions of this act," and substitute in lieu thereof the following other words: "Shall be guilty of a misdemeanor."

Emmet O'Neal,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Sherrod, the Senate concurred in and adopted the amendments proposed by the governor to S. 28.

The proposed amendments thereto are set out in the foregoing message from the governor.

Yeas, 24; nays, 0.

Yeas:

Messrs.	Folmar	Norman
Allen	Godbold	Rogers
Atkins	Kilby	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Sprott
Crumpton	Moody	Stokes
Curry	Moulthrop	Tunstall
Espy	Nance	Vaiden
Fite		

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Nays, 0.

Which was a majority of the whole number elected to the Senate.

Montgomery, March 7, 1911.

To the Senate:

I herewith transmit for your advice and consent, the following appointments as trustees for the Alabama school for the deaf for a term ending November 28, 1914:

J. C. Webb, Demopolis, First District; T. P. Hudson, Opelika, 3rd District; T. P. Johnston, Sylacauga, 4th District; Dr. L. L. Hill, Montgomery, 2nd District;
 For a term ending Nov. 28, 1916: Geo. D. Robinson, Wetumpka, 5th District; S. H. Sprott, Livingston, 6th District; Cecil Browne, Talladega, 4th District.

Emmet O'Neal,
 Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Sherrod, the Senate consented to and confirmed the appointments made by the governor, as set out in the foregoing message from the governor.

Yeas, 24; nays, 0.

Yeas:

Messrs.	Justice	Renfro
Allen	Kilby	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Crumpton	Moody	Sprott
Espy	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Norman	Vaiden
Godbold		

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Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendments to:

H. 182. To regulate the fine and forfeiture fund of Coffee county, and claims against said funds, and requiring all fines and forfeitures to be paid in money, and making it a misdemeanor punishable by fine for any officer collecting monies belonging to said fund to fail to pay the same to the county treasurer within sixty days from the collection thereof.

H. 239. To amend sections 698, 711, 712, 718, 730, and 731 of the code of Alabama of 1907.

H. 317. To provide for an official stenographer for the law and equity court of Mobile.

W. F. Herbert,
Clerk.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Morrow:

S. 372. To fix the time of holding the circuit court in the tenth judicial circuit in Jefferson county, Alabama.

Local Legislation.

By Mr. Morrow:

S. 373. To fix the time of holding court in the city court of Birmingham.

Local Legislation.

By Mr. Godbold:

S. 374. To amend section 1780 of the code of 1907.
Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

H. 394. To amend section 1524 of the code of 1907.

And sends same herewith to the Senate without engrossment.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

~~H. 394, To Revision of Laws.~~

CONSIDERATION OF SPECIAL ORDER.

The hour of 1 o'clock p. m. having arrived, the Senate proceeded to consider the special order of the hour which was:

H. 354. To provide for the creation of a State Highway Commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature, and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Mr. Rogers moved to recommit said bill to the committee from whence it came.

Mr. Beasley moved to lay said motion on the table. Which motion prevailed.

And upon motion of Mr. Frazer, said bill was made a special paramount continuing order for Thursday, March 9th, 1911, at 11 o'clock a. m.

ADJOURNMENT.

On motion of Mr. Tunstall, at 5:15 a'clock p. m., the Senate adjourned until 11 o'clock tomorrow morning.

THIRTY-FIFTH DAY.

Wednesday, March 8th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Rosser, of Selma.

ROLL CALL.

Present:

Mr. President and		
Messrs. :	Frazer	Renfro
Morrow, Pres. Pro tem	Godbold	Rogers
Allen	Justice	Screws
Atkins	Kilby	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Spragins
Brown, W. T.	Miller	Sprott
Crumpton	Moody	Stevens
Curry	Moulthrop	Stokes
Espy	Nance	Tunstall
Fite	Norman	Vaiden
Folmar		

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JOURNAL.

On motion of Mr. Godbold, the reading of the Journal of yesterday was dispensed with and the same was approved.

NOTICE.

~~Mr. Sprott gave to the Senate the following notice in writing:~~

Notice is hereby given that on Friday, the 10th inst. after the call of the standing committees, I will move the second reading of House bills 100, 305 and 306.

March 8th, 1911.

S. H. Sprott.

RESOLUTION.

Mr. Allen offered the following resolution:

S. R. 69. Whereas, since the convening of the Legislature, the Senate has sent to the House of Representatives for its action numerous bills, the same were promptly referred to the proper committee, but there they have been put to sleep and despite every effort the members of the Senate have been unable to get a report of the said bills.

Therefore, be it resolved by the Senate, That the House of Representatives be respectfully requested not to send any more bills over to the Senate for action, until they have shown some consideration for the business the Senate has sent them.

Which was read and referred to the Rules committee.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Beasley:

S. 375. To provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and bridge purposes in said county; to provide for the appointment of road foremen in the several precincts in the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

Public Roads and Highways.

With notice and proof, as follows:

NOTICE.

Notice is hereby given of intention to apply to the Legislature now in session for the passage of a law in substance as follows:

Section 1. Will provide for a road commission for Fayette county, Alabama, composed of a road supervisor appointed by the governor, the probate judge and one of the members of the court of county commissioners, designated by the governor, who shall have general control and supervision of the public roads and bridges and the disbursement of all funds for roads and bridge purposes in Fayette county, Alabama.

Section 2. Will provide that the supervisor shall execute a sufficient bond for the faithful performance of the duties of his office.

Section 3. Will provide that he shall be paid not to exceed seven hundred and twenty dollars per annum, and the time he shall devote to his work.

Section 4. Will prescribe that he shall have active control and management of the public roads and bridges, the manner of working, locating and maintaining the same, and that contracts or expenditures exceeding \$300 and the establishment of new roads or the permanent relocation of roads shall be with the consent and advice of the road commission.

Section 5. Will provide that the supervisor must appoint a road foreman for each precinct, fix the amount of his pay, not to exceed \$100 per annum, the manner, time and method he shall work on the roads, and for his removal in event he fails to carry out the directions of the supervisor or the road commission or ~~his duties as fixed by law, and that he shall hold office~~ for not to exceed two years; that each road foreman shall execute bond for not less than \$500 for the faithful discharge of his duties; that he shall prepare a list of all persons subject to road duty, and collect and turn over to the probate judge commutation fees in lieu of work by road hands; that he shall apportion

road hands who have not paid commutation fees; that he shall call out road hands who fail to pay commutation fees to work on the roads and bridges and perform such other duties as he may be directed by the supervisor or the road commission, and will limit the amount expended by him on any particular project to not exceed \$25 without the advice and consent of the supervisor; that all road hands shall be subject to ten days work, exclusive of new roads, on roads less than six miles distant or pay in lieu thereof \$5 to the road fund; that he shall have authority to excuse defaulters on account of sickness or absence; that he must report under oath a list of all hands worked, the dates and number of hours worked each day.

Section 6. Will provide that road hands moving from one precinct to another may be credited for days worked or money paid in another precinct.

Section 7. Will provide for the employing, when necessary, by the road commission of a highway engineer, or person experienced in road construction, the purchase of necessary tools, road machinery or other implements for working the roads and employing persons to operate the same, to purchase or procure otherwise gravel, sand, etc., and rights of way for roads, and to direct the improvement of main roads in the county; that the supervisor shall submit reports to the road commission showing receipts and vouchers for all moneys expended by him; that he shall inspect the roads and bridges in each precinct at least four times a year and confer and advise with the foreman thereof as to any particular or extra work in any locality or on any road or bridge; that such supervisor may let out by contract the construction or maintenance of roads or bridges in the county or in any locality; that all contractors must execute bond for the faithful discharge of the contract, and that the contract price shall not all be paid until the work is approved and accepted by the supervisor.

Section 8. Will prescribe that all male persons over eighteen and under fort-five years shall be compelled to work on the roads or bridges ten days in each year

or pay \$5 on or before February 1st or March 1st, which money shall be a part of the road fund, and that at least an equal amount of all road fund collected in any precinct shall be expended in that precinct during the following year; that all persons moving into the county after March 1st shall be liable to road duty or road tax in proportion to the time they are in the county during the year.

Section 9. Will prescribe that the probate judge shall be the clerk of the road commission, keep a record of the proceedings, an accurate account of all moneys collected and expended in the different precincts and for other purposes; the names and amount and date of those who paid a commutation fee, fees, licenses or otherwise; that he may collect commutation fees for any precinct in the county and shall be the custodian of all road funds, and shall be paid for his services not to exceed \$300 per year.

Section 10. Will provide that the county commissioners are authorized to levy a special tax not to exceed one-fourth of one per centum, which, when paid into the treasury, shall be kept separate and apart from other funds and used only on roads and bridges in the county.

Section 11. Will provide that the county commissioners shall supply necessary books, blanks and stationery for the purpose of this act.

Section 12. That each precinct foreman shall report and submit to the grand jury the condition of the roads and bridges in their precinct and the books and accounts for inspection.

Section 13. Will provide that the foreman may use the road tools belonging to the county first by one and then another so that they may be used all over the county.

Section 14. Will provide that the general laws of Alabama as to warning road hands and the tools they shall bring with them will apply in this act.

Section 15. Will provide that any foreman who fails to perform his duties is guilty of a misdemeanor and may be fined on conviction from \$5 to \$100.

Section 16. Will provide that it will be unlawful for persons not engaged in working the roads to dig in or across or fill up or obstruct with brush, logs or otherwise the roads or road, or ditches or bridges, and that such person violating the same, may be fined on conviction from \$5 to \$100.

Section 17. Will authorize the road commission to fix the maximum draft hauled over the roads or any portion thereof and to prohibit or regulate heavy road engines or other machines and to require persons operating saw mills and hauling logs or timber or other heavy material regularly over the roads to pay a license.

Section 18. Will authorize the county commissioners, in their discretion, to work the county convicts on the roads.

Section 19. Will require all persons to receipt for and surrender in good condition all tools and road machinery or other implements for use on the roads and prohibit their use except in working and repairing roads or, bridges, and all persons violating this act will be fined on conviction between \$5 and \$100.

Section 20. Will require all persons, firms or corporations having three or more men in their employ to give to the road foreman a list of the same and their residences, and that a violation of this act will be punishable on conviction by a fine of not less than \$5 nor more than \$100.

Section 21. Will provide that the county treasurer shall pay all warrants on the road fund drawn by the probate judge by order of the road commission to the road commission for road purposes, for which he shall be paid the usual fees.

Section 22. That the court of county commissioners may appropriate from the general fund any moneys they see fit for the purpose of building and improving roads, and the purchase of machinery and tools, and may also borrow money for such purposes, at not to exceed eight per centum interest per annum.

Section 23. That when the citizens of any community will raise a sufficient sum for improving the roads

or contribute work for that purpose, the road commission will be authorized also to appropriate moneys not needed otherwise in helping the citizens in such community to build and improve their roads.

Section 24. Will provide for the repeal of all laws in conflict therewith.

Other sections will provide that the supervisor shall submit reports to the grand juries and also his books and accounts; that all persons claiming exemptions from road duty shall obtain a certificate from the county health board or county physician or two reputable physicians in the county; that the road commission may direct the seasons and number of days during the year road hands shall put in their 10 days work; and may make regulations under their general authority not inconsistent with this act for receiving State aid and conforming to State laws and rules by the State highway commission.

February 9th, 1911.

State of Alabama, }
Fayette County. }

Before me, E. E. Thomason, a notary public, in and for said county and State, personally appeared Turner A. Wilson, who, after being duly sworn, upon his oath, says that he is the editor and publisher of the Fayette Banner, a weekly newspaper, published in Fayette, Fayette county, Alabama, and that the attached notice appeared therein for four weeks consecutively, to-wit, the issues of February 9th, 16th, 23rd and March 2nd, 1911.

Turner A. Wilson,

Editor and Publisher, Fayette Banner.

Sworn and subscribed to before me on this the 2nd day of March, 1911.

E. E. Thomason,
Notary Public.

By Mr. Atkins:

S. 376. To confer upon justices of the peace, jurisdictions of all offenses arising under the game and fish laws of Alabama.

Forestry, Conservation and Preservation of Game.

By Mr. Atkins:

S. 377. For the better enforcement of the game and fish laws of this State; to provide for the appointment of deputy game wardens in the several counties of the State, and to provide for their compensation.

Forestry, Conservation and Preservation of Game.

By Mr. Merrill:

S. 378. To amend section 3718, (1373) (3683) (5028) (3515) (3044) of the code of Alabama of 1907.
Fees and Salaries.

By Mr. Screws:

S. 379. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the City of Montgomery, State of Alabama; to provide for the creation of an excise commission in such city; to prescribe the power and duties of such excise commission; to prescribe the amount of license taxes to be paid by each licensee, respectively, to the State, the city and the county in which operates; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said, or any other intoxicating liquors or beverages in said city, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

Local Legislation.

With notice and proof, as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its next session, which convenes in the city of Montgomery during January, 1911, to enact a law making it lawful to manufacture, and to sell or otherwise dispose of spirituous, vinous and malt liquors, any one, or two or all of such liquors in the city of Montgomery or in different districts to be fixed in such law in the city of Montgomery, and to

prescribe regulations for the conduct of any business where spirituous, vinous or malt liquors are manufactured or dealt in either wholesale or retail; to fix the days and hours when such sales can or cannot be made; to limit or fix the district or districts in the city of Montgomery, in which such manufacture or sales of spirituous, vinous or malt liquors may be made and to prescribe different regulations for different districts or the same regulations for different districts; and to prescribe in what portions of such city such liquors may or may not be manufactured or sold; and to provide that no one shall engage in the manufacture, sale or other disposition of any such liquors unless he has previously procured a license to do so from the proper authority as provided in such law; to fix the character and extent of each different kind of license, and to fix the amount of the different charges for each such license for the manufacture or sale of such liquors or any one or any two or all of such liquors, and prescribe the steps necessary to be taken in order to procure each such license in each district with the same or different requirements for different districts and to direct how the monies received from such licenses shall be divided and distributed among the city, county and State, and for what purposes the same may be used; to provide for the forfeiture, suspension or revocation of any license issued in the event of violation of law by any licensee or his employee, or for other causes; to make void any sales on credit by any retail licenses; to provide against the sale to habitual drunkards, minors and persons of unsound mind of any spirituous, vinous or malt liquors; to provide for the abatement as a nuisance of any place where such liquors are unlawfully manufactured, sold or disposed of; to provide for the issuance and the revocation of any such licenses; to provide for the enforcement of the provisions of the law; to provide penalties, fines and other punishments for its violations; to provide for the transfer of licenses; and to repeal all laws and parts of laws in so far as they conflict with the provisions of said proposed act.

The foregoing is the substance of the law which it is intended to apply to the Legislature to enact.

State of Alabama, }
 Montgomery County. }

Personally appeared before me, Alma Tillery, a notary public, in and for said State and county, Brame Hood, who states on oath that he is advertising manager of the Montgomery Journal, and that the attached notice appeared in the Montgomery Journal on Dec. 16, 23, 30, 1910, and Jan. 7, 1911.

Brame Hood,
 Advertising Manager.

Sworn to and subscribed before me this 6th day of March, 1911.

Alma Tillery,
 Notary Public.

REPORTS OF COMMITTEES.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Arnold (with amendment):

H. 394. To amend section 1524 of the code of 1907.

By Mr. Sherrod (with amendment):

S. 362. To amend sections 555, 558 and 560 of the code of Alabama.

By Mr. Williams (with amendments):

H. 510. To amend Sections one, eight, and nine of an Act entitled an Act to provide for the investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this Act, approved August 31st, 1909.

Mr. Brown, W. T., chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and

they were severally read a second time and placed on the calendar, to-wit:

By Mr. Godbold:

S. 374. To amend section 1780 of the code of 1907.

By Mr. Merrill:

S. 365. To amend sections 1861, 1862 and 1863 of the code of Alabama.

Mr. Beasley, chairman of the standing committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Godbold:

S. 349. To provide for the more efficient working of the public roads in Wilcox County; to provide revenues for the same; to define the powers and duties of the County Commissioners with reference to same; to provide for the appointment of overseers and sub-overseers, and a civil engineer, defining their duties, and prescribe rules, regulations and penalties in order to carry into effect the purposes of this Act.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stevens (with amendment):

S. 341: To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials;

to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

By Mr. Stokes:

S. 314. To define the corporate limits of the town of Ariton, Dale county, Alabama.

By Mr. Whatley:

H. 462. To change the corporate limits of the town of Kinsey, in Houston county, Alabama.

By Mr. Smith (with amendments):

H. 323. To provide and create a Commission form of Municipal Government and to establish same in all the Cities of Alabama which now have, or may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish Police Commissioners, Aldermen and certain other city officials; and otherwise provide for the creation and maintenance of said Commission form of Government.

Mr. Fite, chairman of the standing committee on County and County Boundaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Johnson of Clarke.

H. 302. To repeal so far as the same applies to Clarke county, an act entitled "an act to amend section 1632 of the code, so far as the same relates to

Crenshaw and Clarke Counties, approved February 12th, 1887.

By Mr. Morrow:

S. 291. To authorize and empower courts of county commissioners or boards of revenue of the counties in this State to borrow money for certain purposes.

By Mr. Morrow:

S. 292. To authorize and empower courts of county commissioners or Boards of Revenue in the several counties in this State to pay out of the general fund of their respective counties, court costs and expenses of litigation, including reasonable attorney's fees, incurred by the members thereof in matters arising out of their official acts, or refusal to act, and to reimburse themselves or other public officers for like costs or expenses.

Mr. Atkins, chairman of the standing committee on Fees and Salaries, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Screws:

S. 370. To increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

Mr. Norman, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

~~By Mr. Screws:~~

S. 369. To provide for the appointment of the sheriff of Montgomery county, Alabama, of an assistant night jailor, to fix his compensation and prescribe his duties.

By Mr. Morrow:

S. 373. To fix the time of holding court in the city court of Birmingham.

By Mr. Morrow:

S. 372. To fix the time of holding the circuit court in the tenth judicial circuit in Jefferson county, Alabama.

By Mr. Brindley:

H. 544. To create the office of official stenographer for Etowah county, to provide for his appointment, to prescribe his duties, fix his compensation, and provide for the payment of the same.

By Mr. Stollenwerck:

H. 527. To authorize the board of revenue of Montgomery county to retain and employ an attorney at law; to fix the services which said attorney at law may be required to render, and to fix his compensation therefor.

By Mr. Strickland:

H. 546. For the relief of J. W. Autrey, of Marengo county.

ADVERSE REPORT.

Mr. Sherrod, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report:

By Mr. Griffith:

H. 100. To establish the Cullman county law and equity court; to define its jurisdiction, to provide its officers, define their powers, duties and fix their compensation; to fix the term of said court and to prescribe and regulate the practice and procedure therein.

By Mr. Griffith:

H. 306. To detach Cullman county from the eighth judicial circuit.

By Mr. Griffith:

H. 305. To provide for the transfer of all the business of the circuit court of Cullman county, and all pending causes in said circuit court to the Cullman county law and equity court.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, report-

ed that said committee in session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Renfro:

S. 175. To compensate property owners for consequential damages for the closing or obstructing of any street in any village, town or city.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 422. To amend section 470 of the code of 1907.

H. 503. To amend section 2061 of the code of Alabama of 1907.

H. 115. To provide for and regulate the assessment, levy and collection of municipal taxes, of all cities in the State of Alabama having over one hundred thousand population according to the last State or Federal census, to define the duties of the State, county and municipal officers in regard thereto, to fix the tax year for such cities and to make the county tax collector of each county ex-officio the collector of property tax for each of such cities within the county.

And sends same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 422, To Revision of Laws.

H. 503, To Judiciary.

H. 115, To Municipalities and Municipal Organizations.

NOTICE.

Mr. Atkins gave to the Senate the following notice in writing:

Notice is hereby given that on Thursday, March 9, 1911, immediately after the reports of committees, I will make a motion to take from the adverse calendar of the Senate:

H. 184. To prohibit the transportation of cotton seed and unginned cotton from any County in Alabama where the cotton boll weevil is known to exist to any County in Alabama where the cotton boll weevil is not known to exist, and to provide for the condemnation and destruction of any cotton or cotton seed so shipped.

And have same recommitted to the committee on Agriculture. March 8th, 1911.

V. B. Atkins.

RESOLUTIONS.

Mr. Sherrod offered the following notice:

S. R. 70. Resolved, That hereafter, no senator shall ask unanimous consent to call up any bill for passage, until he shall have stated fully as to what said bill relates.

Which, under a suspension of the rules, was adopted.

Mr. Moulthrop offered the following resolution:

S. R. 71. Resolved that the consideration of special orders shall not continue at the afternoon sessions of the Senate.

Which, under a suspension of the rules, was lost.

Mr. Atkins offered the following resolution:

S. R. 72. Resolved, That the Senate shall, from to-day, hold three sessions a day, viz:

From 10:30 a. m. to 1 p. m.

From 3:30 p. m. to 6 p. m.

From 8:00 p. m. to 10:30 p. m.

Which was read and referred to the Rules committee.

INDEFINITE POSTPONEMENT OF BILL.

On Motion of Mr. Atkins:

H. 199. To amend section 4822 of the code of Alabama 1907.

Was indefinitely postponed.

CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock m. having arrived, the Senate proceeded to consider the special order of the hour which was:

H. 173. To amend section 1861 of the code of Alabama.

Said bill was read a third time at length and passed.
Yeas, 23; nays, 0.

Yeas:

Messrs.:	Folmar	Screws
Allen	Frazer	Sherrod
Beasley	Godbold	Sloan
Brown, W. T.	Kilby	Spragins
Crumpton	Merrill	Sprott
Curry	Moody	Stevens
Espy	Nance	Stokes
Fite	Renfro	Tunstall

—23

Nays, 0.

CONSIDERATION OF BILL CONTINUED.

On motion of Mr. Fite, the further consideration by the Senate of:

S. 218. To amend section 1761 of the 1907 code of Alabama.

Was continued until other and like bills, are considered.

BILLS ON THIRD READING.

The bill:

H. 75. To amend section 6249 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.	Folmar	Sherrod
Morrow, Pres. Pro tem	Godbold	Sloan
Allen	Merrill	Spragins
Beasley	Miller	Sprott
Brown, W. T.	Moody	Stevens
Crumpton	Nance	Stokes
Curry	Rogers	Vaiden
Fite		

—21

Nays, 0.

The bill:

H. 514. To establish the Monroe County Law and Equity Court, to define its jurisdiction and powers; to provide its officers, their powers, duties and compensation; to fix the terms of said Court; to prescribe rules and procedure for said Court, and to provide for the transfer of certain causes now pending in the Chancery Court for Monroe County to the docket of the Monroe County Law and Equity Court, and to abolish the said Chancery Court as now constituted for Monroe County, and to provide for the transfer of certain cases from the docket of the Circuit Court of Monroe County to the docket of the Monroe County Law and Equity Court and for their re-transfer from said Court to the Circuit Court in certain cases.

Was read a third time at length and passed.

Yeas, 19; nays, 5.

Yeas:

Messrs.:	Justice	Screws
Morrow Pres. Pro tem	Lovelace	Sprott
Allen	Merrill	Stevens
Beasley	Miller	Stokes
Curry	Nance	Tunstall
Espy	Renfro	Vaiden
Godbold	Rogers	

—19

Nays: Messrs. Fite, Frazer, Moody, Sherrod and Spragins.—5.

RECESS.

At 1 o'clock p. m. on motion of Mr. Spragins the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Wednesday, March 8th, 1911.

The Senate re-assembled at 3:30 o'clock p. m.

ROLL CALL.

On a call of the roll 28 senators answered to their names. A quorum of the Senate as required by the Constitution.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the governor to:

S. 28. To provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing such "commercial feeding stuffs" and to fix penalties for violations of this act.

Yeas, 65; nays, 1.

Which is a majority of the whole number elected to the House.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

CONSIDERATION OF SPECIAL ORDER.

The Senate proceeded to consider the next special order of the day, which was:

H. 147. To amend section 7692 of the code of Alabama of 1907.

Mr. Morrow offered the following amendment to said bill:

Amend the bill by adding after the words "and members of the railroad commission" where said words appear together, the following: "And sheriffs and deputy Sheriffs and chiefs of police."

Which was adopted.

Yeas, 14; nays, 13.

Yeas:

Messrs.:	Merrill	Sloan	
Morrow, Pres. Pro tem	Moulthrop	Sprott	
Allen	Rogers	Stokes	
Atkins	Screws	Tunstall	
Curry	Sherrod	Vaiden	—14

Nays:

Messrs.:	Folmar	Nance	
Beasley	Frazer	Norman	
Crumpton	Justice	Spragins	
Espy	Miller	Stevens	
Fite	Moody		—13

Mr. Screws offered the following amendment to said bill:

Amend by adding at the conclusion of the bill the following:

Provided that newspapers may be allowed to exchange advertising space at current rates with common carriers for transportation.

Which was adopted.

Yeas, 16; nays, 12.

Yeas:

Messrs.:	Godbold	Sloan	
Allen	Merrill	Sprott	
Atkins	Norman	Stokes	
Beasley	Rogers	Tunstall	
Brown, C. W.	Screws	Vaiden	
Curry	Sherrod		—16

Nays:

Messrs.	Frazer	Moulthrop
Crumpton	Kilby	Nance
Espy	Miller	Spragins
Fite	Moody	Stevens
Folmar		

—12

And said bill as thus amended was read a third time at length and passed.

Yeas, 17; nays, 13.

Yeas:

Messrs.:	Curry	Sherrod
Morrow, Pres. Pro tem	Godbold	Sloan
Allen	Merrill	Sprott
Atkins	Norman	Stokes
Beasley	Rogers	Tunstall
Brown, C. W.	Screws	Vaiden

—17

Nays:

Messrs.:	Frazer	Moulthrop
Crumpton	Justice	Nance
Espy	Kilby	Spragins
Fite	Miller	Stevens
Folmar	Moody	

—13

BILLS ON THIRD READING.

The bill:

H. 536. To make further provision for paying the per diem and mileage of the members and officers and the expenses of the Legislature.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Brown, C. W.	Kilby
Morrow, Pres. Pro tem	Fite	Lovelace
Allen	Folmar	Merrill
Atkins	Godbold	Moulthrop
Beasley	Justice	Norman

Sherrod	Stevens	Tunstall
Spragins	Stokes	Vaiden
Sprott		

—21

Nays, 0.

The bill:

S. 345. To fix the terms of office of the commissioners of Henry county, Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Frazer	Screws
Morrow, Pres. Pro tem	Godbold	Sherrod
Allen	Justice	Sloan
Atkins	Merrill	Spragins
Beasley	Miller	Sprott
Espy	Nance	Stevens
Fite	Norman	Stokes
Folmar	Rogers	

—22

Nays, 0.

The bill:

S. 336. For the relief of Mrs. Prasby Hodges of Henry county.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Justice	Screws
Morrow, Pres. Pro tem	Kilby	Sherrod
Beasley	Merrill	Sloan
Crumpton	Miller	Sprott
Espy	Moody	Stevens
Fite	Moulthrop	Stokes
Folmar	Norman	Tunstall
Frazer	Rogers	Vaiden
Godbold		

—24

Nays, 0.

The bill:

S. 332. To place J. W. Moore, an ex-Confederate soldier, of Hale county, Alabama, on the Confederate pension roll as a pensioner of the first class.

Was read a third time at length and passed.

Yeas, 22; nays, 1.

Yeas:

Messrs.:	Folmar	Sherrod
Morrow, Pres. Pro tem	Godbold	Sloan
Allen	Kilby	Sprott
Atkins	Merrill	Stevens
Beasley	Miller	Stokes
Crumpton	Moulthrop	Tunstall
Espy	Rogers	Vaiden
Fite	Screws	

—22

Nays: Mr. Spragins.—1.

The bill:

H. 495. To provide for the election of a solicitor of the Walker county law and equity court, and to ratify the election of solicitor held November 8th, 1910, and to fix his term of office.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:	Kilby	Sherrod
Morrow, Pres. Pro tem	Lovelace	Sloan
Allen	Merrill	Spragins
Atkins	Miller	Sprott
Beasley	Moody	Stevens
Brown, C. W.	Nance	Stokes
Espy	Norman	Tunstall
Folmar	Rogers	Vaiden
Frazer	Screws	

—25

Nays, 0.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 182. To regulate the fine and forfeiture fund of Coffee county, and claims against said funds, and requiring all fines and forfeitures to be paid in money, and making it a misdemeanor punishable by fine for any officer collecting monies belonging to said fund to fail to pay the same to the county treasurer within sixty days from the collection thereof.

H. 239. To amend sections 698, 711, 712, 718, 730, and 731 of the code of Alabama of 1907.

H. 254. To amend sections 7833 (5612) (3875) (4417) (4420) (3736, 3738) (189, 191) of the code of Alabama of 1907.

H. 317. To provide for an official stenographer for the law and equity court of Mobile.

W. F. Herbert,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MOTION TO CHANGE REFERENCE OF BILL.

Mr. Norman moved that all Temperance bills heretofore referred to local legislation, be recommitted to the committee on Temperance.

Mr. Sherrod moved to lay Mr. Norman's motion on the table.

Which prevailed.

Yeas, 17; nays, 8.

Yeas:

Messrs.:	Godbold	Sloan
Beasley	Justice	Spragins
Brown, C. W.	Merrill	Sprott
Espy	Moulthrop	Stevens
Folmar	Screws	Stokes
Frazer	Sherrod	Vaiden

—17

Nays:

Messrs.:	Kilby	Nance
Crumpton	Miller	Norman
Fite	Moody	Rogers

—8

ADJOURNMENT.

At 4:40 o'clock p. m. on motion of Mr. Sherrod, the Senate adjourned until 11 o'clock tomorrow morning.

THIRTY-SIXTH DAY.

Thursday, March 9th, 1911.

The Senate met pursuant to adjournment.

PRAYER.

Prayer by Rev. Mr. Rush, of Mobile.

ROLL CALL.

Present:

Mr. President, and,

Messrs.:	Crumpton	Justice
Morrow	Pres.Pro tem Curry	Kilby
Allen	Espy	Lovelace
Atkins	Fite	Merrill
Beasley	Folmar	Miller
Brown, C. W.	Frazer	Moody
Brown, W. T.	Godbold	Moulthrop

Nance	Sherrod .	Stevens
Renfro	Sloan	Stokes
Rogers	Spragins	Tunstall
Screws	Sprott	Vaiden

—32

JOURNAL.

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and the same was approved.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The Committee on Enrolled bills have examined the following Senate bills:

S. 203. An act to provide for the better construction, repairing working and maintaining of public roads and bridges in Talledaga county Alabama.

S. 28. An act to provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling and analysing such "commercial feed stuffs" and to fix penalties for violations of this act.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled bills.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Folmar:

S. 380. To require all persons subject to road duty under the general laws of the State to work upon the public dirt roads of Crenshaw county for not less than ten days in each year, or instead thereof to pay the sum of five dollars annually; to fix the time for paying said amount; to require the tax collector to file a list of the persons paying said road tax; to prescribe the manner in which said tax shall be applied to the working of the public roads and providing a penalty for the violation of the said law.

Public Roads and Highways.

With notice and proof, as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its present session to enact a law in substance as follows:

To require all persons subject to road duty under the general laws of the State to work upon the public dirt roads of Crenshaw county for not less than ten days in each year, or instead thereof, to pay the sum of five dollars annually; to fix the time for paying said amount; to require the tax collector to file a list of the persons paying said road tax; to prescribe the manner in which said tax shall be applied to the working of the public roads and providing a penalty for the violation of said law.

AFFIDAVIT OF PUBLICATION.

I, Chas. L. Kettler, publisher of the Crenshaw County News, a newspaper, published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was pub-

lished once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated February 2nd, 1911, and ending with the issue dated February 23rd, 1911.

Chas. L. Kettler.

Subscribed and sworn to before me this 23rd day of February, 1911.

W. B. Ruff,
Notary Public.

By Mr. Beasley :

S. 381. To define the governing body and the method of the exercise of legislative functions by the same in cities of less than six thousand population, and in towns.

Municipalities and Municipal Organizations.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

S. 324. To amend section 7794 of the code of Alabama.

By Mr. Morrow:

S. 242. To fix and prescribe the manner and way of satisfying, or partly satisfying, the recorded liens on real property in all counties in the State of Alabama, having over fifty thousand population according to the last Federal or State census.

By Mr. Allen:

S. 287. In relation to pandering, to define and prohibit the white slave traffic, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

By Mr. Sloan :

S. 346. To permit the husband or wife to testify for or against each other in all criminal cases.

By Mr. Folmar :

S. 250. To authorize the court of county commissioners, or body of similar jurisdiction for the county of Crenshaw, to pay to the clerk of the circuit court of said county, a per diem of two dollars, during term time, for the purpose of employing a clerk to record the minutes of said circuit court.

By Mr. Long :

H. 503. To amend section 2061 of the code of Alabama of 1907.

By Mr. Lumpkin :

H. 144. To create and establish a State board of Mediation and Arbitration and providing for the submission of labor controversies between employers and employees to local arbitrators and to the State Board of Mediation and Arbitration; defining the duties of said boards, fixing their powers, providing for their appointment and selection, their compensation and for the compensation of witnesses, the terms of office of the members of the State Board and for the manner of payment of costs incurred.

Mr. Brown, W. T., chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberson :

H. 295. To amend sections 1712, 1713, 1714, 1715 and 1716 of the code of 1907.

By Mr. Hollis, of Choctaw :

H. 243. To provide for the office of county treasurer of public school funds in the several counties of Alabama and to prescribe the duties thereof.

Mr. Folmar, acting chairman of the standing committee on Local Legislation, reported that said committee,

in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sherrod:

S. 119. To permit, regulate and restrict the sale or other disposition of alcoholic, vinous or malt liquors, or beverages, in Precincts one (1) and nineteen (19) in Morgan County, Alabama, by providing for an election in said Precincts to determine whether the sale or other disposition of such alcoholic, vinous or malt liquors, or beverages, shall be permitted, regulated and restricted therein.

By Mr. Screws:

S. 379. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the City of Montgomery, State of Alabama; to provide for the creation of an excise commission in such city; to prescribe the power and duties of such excise commission; to prescribe the amount of license taxes to be paid by each licensee, respectively, to the State, the city and the county in which operates; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said, or any other intoxicating liquors or beverages in said city, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

Mr. Lovelace, chairman of the standing committee on Forestry, Conservation and Preservation of Game, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:
By Mr. Sloan:

S. 364. To amend section 682 of the political code of Alabama of 1907.

By Mr. Sloan:

S. 363. To amend section 679 of the political code of Alabama of 1907.

Mr. Sprott, chairman of the standing committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time at length and placed on the calendar, to-wit:

By Mr. Curry:

S. 339. To submit to the qualified electors of the State, at the next general election for State officers to be held on the first Tuesday after the first Monday in November, 1912, for their consideration, an amendment to the constitution of the State of Alabama to authorize and empower the several counties to levy and collect an annual special tax additional to the tax heretofore authorized, for the erection, support and equipment of the public schools, not to exceed forty cents on each one hundred dollars of taxable property, and to provide for the disposition of the same among the several schools of the county under such regulations as the Legislature may prescribe.

RESOLUTION.

Mr. Frazer offered the following joint resolution:

S. J. R. 73. Resolved by the Senate, the House concurring, That the governor is hereby requested to return to the Senate for correction S. B. 151.

Which, under a suspension of the rules, was adopted.

LEAVE OF ABSENCE.

Mr. Norman was granted an indefinite leave of absence, on account of sickness.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. S. S. Walter, John Patterson and Daniel Patridge for today.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 326. To regulate and provide for the volunteer military forces of the State of Alabama.

S. 68. To amend an act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of Jury Commissioners and clerks of said commission and regulate the empanelling of grand and petit juries in all the Courts of this State, which act was approved August 31st, 1909, in so far as the same shall apply to the Counties which now have a population of forty thousand or less, according to the last Federal census or any Federal census hereafter taken.

S. 345. To fix the terms of office of the commissioners of Henry county, Alabama.

S. 336. For the relief of Mrs. Prasby Hodges of Henry county.

S. 332. To place J. W. Moore, an ex-Confederate soldier, of Hale county, Alabama, on the Confederate pension roll as a pensioner of the first class.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 73. Relative to requesting the governor to return S. 151 for correction.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

RESOLUTION.

Mr. Frazer offered the following joint resolution:

S. J. R. 74. Resolved by the Senate, the House concurring, That the President of the Senate and the Speaker of the House be and are hereby requested to erase their signatures from Senate bill 151.

Which, under a suspension of the rules, was adopted.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Sprott, pursuant to his written notice given to the Senate on yesterday, moved to take from the adverse calendar H. 100, H. 305 and H. 306, and place same upon their second reading.

And continued the consideration of his said motion until next Wednesday, March 15th, 1911.

Mr. Atkins, pursuant to his written notice given to the Senate on yesterday, moved to take H. 184 from the adverse calendar and recommit same to the committee on Agriculture.

Which motion prevailed and H. 184, was taken from the adverse calendar and recommitted to the committee on Agriculture by a majority of the members elected to the Senate.

CONSIDERATION OF SPECIAL ORDER.

The hour of 11 o'clock having arrived, the Senate proceeded to consider the special order of the hour, which was:

H. 354. To provide for the creation of a State highway commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the

same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose, and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Upon motion of Mr. Beasley, the further consideration of this bill was continued until 11 o'clock a. m. tomorrow.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 117. To establish a court of appeals for the State of Alabama.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Stevens, the Senate concurred in the following amendment by the House to Senate bill 117, the title of which is set out in the foregoing message from the House, to-wit:

Amend said bill by striking out section 9, and inserting in lieu thereof the following:

Sec. 9. The judges first constituting said court shall be appointed by the governor subject to the approval by the State Senate. The appointees shall hold office until their successors are elected and qualified, as hereinafter provided; their successors shall be elected by the qualified electors of the State at the general election of 1912 as provided by law for the election of members of the House of Representatives in Congress of the United States. The successor of one of such judges shall be elected at the general election of 1914, and the successor of another of such judges shall be

elected at the general election of 1916 and the successor of the other such judge shall be elected at the general election of 1918. The successors of these judges shall be elected every six years thereafter. The judges of said court elected in 1912 shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending respectively in the years 1914, 1916, and 1918, and until their successors are elected and qualified. The result of such determination shall be certified to the governor by such judges or a majority of them prior to the first day of January, 1913, and certificate shall be entered upon the minutes of the court and in the event of the failure of said judges to make and certify such determination, the governor shall designate the terms for which they shall respectively hold office as above provided, and shall issue his proclamation accordingly. In case of a vacancy in the office of any of the judges, such vacancy shall be filled as vacancies in the office of justice of the supreme court. The judge of said court who has served longest in such capacity shall be its presiding judge, and in all cases of equal seniority, the presiding judge shall be selected by lot from the judges who are so situated and shall serve as such presiding judge for the term which he is then filling as a judge of said court.

Amend the title to the bill by adding: "And to provide for the transfer of certain causes now pending in the supreme court to said court of appeals.

To amend the body of the bill by adding the following section:

Sec. 20. That upon the approval of this bill, all causes now pending in the supreme court, of which this court would have jurisdiction if said appeals were taken after its creation, and have not been argued orally before the supreme court, shall be transferred from the supreme court to said court of appeals by an order of the supreme court or a majority of the judges thereof, if made in vacation. Said order to be recorded upon the records of the supreme court and the transfer of each case is to be noted by the clerk upon the docket containing same. The court of appeals must consid-

er and determine said causes as if originally taken to said court by appeal.

(1) Amend section (7) of Senate bill 117 by adding after the word "dollars" "per annum."

(2) Amend section (12) of Senate bill 117, by striking out word "justices" at the end of ninth line of said section, inserting in lieu thereof the word "judges."

Yeas, 25; nays, 1.

Yeas:

Messrs.:	Kilby	Screws
Morrow, Pres. Pro tem	Lovelace	Sherrod
Allen	Merrill	Spragins
Atkins	Miller	Sprott
Brown, W. T.	Moody	Stevens
Espy	Moulthrop	Stokes
Folmar	Nance	Tunstall
Frazer	Renfro	Vaiden
Justice	Rogers	

—25

Nay: Mr. Fite.—1.

CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock m. having arrived, the Senate proceeded to consider the special order of the hour which was:

H. 44. To impose a tax of one dollar a year on each male and two and one-half dollars on every female dog in the State of Alabama, over four months of age, and to provide for the collecting of such tax and to provide that all live stock killed or injured and all damages done thereto shall be paid for out of the dog tax fund, and to provide that the surplus left in dog tax fund on the first day of March of each year shall be paid into the public school funds of said county.

Mr. Atkins moved to recommit said bill and proposed substitute to the committee on Judiciary.

Mr. Screws moved to table said motion which was lost.

Yeas, 12; nays, 16.

Yeas:

Messrs.	Merrill	Screws
Allen	Miller	Sherrod
Folmar	Nance	Spragins
Kilby	Rogers	Sprott
Lovelace		

—12

Nays:

Messrs.:	Espy	Renfro
Atkins	Fite	Sloan
Beasley	Frazer	Stokes
Brown, C. W.	Justice	Tunstall
Brown, W. T.	Moody	Vaiden
Curry	Moulthrop	

—16

And said bill and proposed substitute were recommended to the committee on Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 41. To amend section 1942 of the code.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 173. To amend section 1861 of the code of Alabama.

H. 495. To provide for the election of a solicitor of the Walker county law and equity court, and to ratify the election of solicitor held November 8th, 1910, and to fix his term of office.

H. 514. To establish the Monroe county law and equity court, to define its jurisdiction and powers; to provide its officers, their powers, duties and compensa-

tion; to fix the terms of said court; to prescribe rules and procedure for said court, and to provide for the transfer of certain causes now pending in the chancery court for Monroe county to the docket of the Monroe county law and equity court, and to abolish the said chancery court as now constituted for Monroe county, and to provide for the transfer of certain cases from the docket of the circuit court of Monroe county to the docket of the Monroe county law and equity court and for their re-transfer from said court to the circuit court in certain cases.

H. 536. To make further provision for paying the per diem and mileage of the members and officers and the expenses of the Legislature.

H. 75. To amend section 6249 of the code of Alabama.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their title had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to:

H. 147. To amend section 7692 of the code of Alabama of 1907.

W. F. Herbert,
Clerk.

REPORT OF SPECIAL COMMITTEE.

To the Senate and House of Representatives:

The undersigned joint committee appointed by the Senate and House to examine the books of the auditor and treasurer, beg leave to report as follows, to-wit:

1. Under authority of a resolution adopted by the Senate and House, the committee employed two expert accountants to count the cash in the treasury and to do clerical and other work connected with the investigation.

2. These experts, Mr. H. Y. Brooks and Mr. Chas. E. McCall, proceeded to carry out the instructions which had been given them and made the report hereto attached marked "Exhibit A."

Your committee asks to be discharged.

Respectfully submitted,

Frank S. Moody, chairman, Thos. E. Kilby, N. P. Renfro, on the part of the Senate; J. H. Cranford, A. S. Johnson, on the part of the House.

"EXHIBIT A."

To the Joint Committee of the Legislature of Alabama:

We have examined the books, accounts and vouchers of the State auditor and State treasurer, as provided for in sections 906, 907, and 908 of the code, and report as follows:

The "statement," hereto attached and made a part of this report, shows the receipts and disbursements of each fiscal year and the gross cash balance in the treasury, exclusive of the interest balance and the bond redemption balance in the hands of the State's New York fiscal agent amounting to \$265,716.71, as follows:

Balance to credit interest accounts-----	\$182,716.71
Balance to credit of bond redemption account	83,000.00

The cash balance in the treasury, November 1, 1910, was \$20,908.00.

The gross cash balance in the treasury, February 14, 1911, was \$842,772.01, and the amount of warrants issued by the State auditor and outstanding was \$103,066.80, making the net balance in the treasury \$739,705.21.

The receipts from October 1, 1910, to February 14, 1911, were \$3,801,237.55, and taking the total receipts

of the last fiscal year as the basis of calculation, this represents 70.8 per cent of the receipts for the present fiscal year.

The disbursements from October 1, 1910, to February 14, 1911, were \$2,958,465.54, and, taking the total disbursements of the last fiscal year as the basis of calculation, they represent 52.4 per cent of the disbursements for the present fiscal year.

The amount of money received by the present treasurer (who entered upon the duties of his office on January 18, 1911) from his predecessor was \$975,237.23, as follows:

Cash to credit of interest account.....	\$182,716.71
Cash to credit of bond redemption account_	83,000.00
Cash for disbursement -----	709,520.52

The books and accounts are correctly and neatly kept.

Respectfully submitted,

Chas. E. McCall,

H. Y. Brooke,

Examiners of Public Accounts.

STATEMENT.

Showing the condition of the State treasury for the four fiscal years beginning October 1, 1906, and ending February 14, 1911.

<i>Fiscal Year 1906-7</i>	<i>Receipts</i>	<i>Disbursements</i>
Cash on hand, Oct. 1, 1906_	\$1,826,326 09	
Receipts, fiscal year-----	3,975,454 33	
Disbursements, fiscal year		\$3,982,043 62
Balance on hand-----		1,819,736 80
	<hr/>	<hr/>
	\$5,801,780 42	\$5,801,780 42
<i>Fiscal Year 1907-08.</i>		
Cash on hand, Oct 1, 1907_	\$1,819,736 80	
Receipts, fiscal year-----	4,661,902 35	
Disbursements, fiscal year		\$5,120,805 53
Balance on hand -----		1,360,833 62
	<hr/>	<hr/>
	\$6,481,639 15	\$6,481,639 15

Fiscal Year 1908-09

Cash on hand, Oct. 1, 1908—	\$1,360,833	62		
Receipts, fiscal year—	4,707,245	28		
Disbursements, fiscal year			\$5,356,054	31
Balance on hand—			712,024	59
			<hr/>	<hr/>
	\$6,068,078	90	\$6,068,078	90

Fiscal Year 1909-10.

Cash on hand, Oct. 1, 1909—	\$	712,024	59	
Receipts, fiscal year—	5,368,144	24		
Disbursements, fiscal year			\$5,646,696	90
Balance on hand—			433,471	93
			<hr/>	<hr/>
	\$6,080,168	83	\$6,080,168	83

Fiscal Year, 1910-11.

Cash on hand, Oct. 1, 1910—	\$	433,471	93	
Receipts to Feb. 14, 1911—	3,367,765	62		
Disbursements Feb. 14, 1911			\$2,958,465	54
Cash in Treasury Feb. 14, 1911			842,772	01
			<hr/>	<hr/>
	\$3,801,237	55	\$3,801,237	55

Recapitulation.

Total Receipts for four years --	\$18,712,746	20		
Total Disbursements for four years			\$20,105,600	36
Excess of disbursements over receipts	1,392,854	16		
			<hr/>	<hr/>
	\$20,105,600	36	\$20,105,600	36
Cash on hand, Oct. 1, 1906 --	\$	1,826,326	09	
Excess of disbursements over receipts			\$	1,392,854
Cash on hand, Oct. 1, 1910 --			433,471	93
			<hr/>	<hr/>
	\$1,826,326	09	\$1,826,326	09

SPECIAL COMMITTEE REPORT.

On motion of Mr. Spragins, the foregoing report from the special committee heretofore appointed to examine books of State treasurer and State auditor, was adopted the committee discharged with the thanks of the Senate and 500 copies of same ordered printed for the use of the Senate.

BILL ON THIRD READING.

The bill:

H. 125. To authorize counties to appoint and to fix the compensation of officers to enforce the provisions of law for the prevention of cruelty to animals and the provisions of law for the prevention of cruelty to children and to confer upon said officers the powers of deputy sheriffs.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Folmar	Moody
Allen	Frazer	Moulthrop
Atkins	Justice	Nance
Brown, W. T.	Kilby	Rogers
Crumpton	Lovelace	Spragins
Espy	Merrill	Sprott
Fite	Miller	Vaiden

—20

Nays, 0.

RECESS.

At 1 o'clock p. m. on motion of Mr. Sprott, the Senate recessed until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Thursday, March 9th, 1911.

The Senate re-assembled at 3:30 o'clock p. m.

ROLL CALL.

On a call of the roll twenty-two senators answered to their names, a quorum of the Senate as required by the Constitution.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Sherrod:

S. 382. To prohibit county treasurers from depositing county funds outside of the State of Alabama, and to punish violations thereof.

Banking.

By Mr. Morrow:

S. 383. To amend an act entitled an act to establish a reformatory and industrial school under the name and style of the Alabama Boys' Industrial School, for the benefit of orphans, helpless and wayward children; to provide for its government; to prescribe what children shall be admitted thereto; and further to provide that certain children shall be sent to, and kept therein, and to provide mode of ascertaining whether any given child shall be committed thereto. Approved February 23rd, 1899.

Education.

By Mr. Vaiden:

S. 384. To authorize the white public schools of Marion and Uniontown in Perry county, Alabama, to adopt a curriculum or course of study equivalent to that required of the State high schools; to regulate the taking and acceptance of pupils in said schools, and to provide for the payment to said schools, in equal parts,

the county appropriation now donated to county high schools.

Education.

With notice and proof, as follows:

EXHIBIT "A."

NOTICE OF LOCAL LAW.

Notice is hereby given that a bill will be introduced and its enactment into law applied for at the present session of the Legislature of Alabama, which bill shall provide, in, as follows:

The present Marion public school, for whites, and the present Uniontown public school for whites be required to raise their course of study to comply with the standard of the county high school; that there be appropriated out of any money in the State treasury, not otherwise appropriated, the sum of two thousand dollars, to be paid over to the county superintendent of education of Perry county, Alabama, in lieu of the high school appropriation fixed by law.

That the said two thousand dollars going to high schools be equally divided between the two public schools above named, that said schools be then required to take children of high school preparation from the county on same terms as children or pupils from the towns; that these provisions to remain in effect until Perry county establishes a regular high school as provided by law.

Charles C. Johnson.

State of Alabama, }
Perry County. }

Personally appeared before me, J. B. Shivers, judge of probate, in and for said State and county, C. H. Greer, who being by me first duly sworn, deposes and says, that he is the owner and proprietor of the Marion Standard, a weekly newspaper, published in Perry county, Alabama, and that the foregoing notice attached to this paper marked "Exhibit A" was publish-

ed in the said Marion Standard for four successive weeks, first insertion was on the 27th day of January, 1911.

Charles H. Greer.

Sworn to and subscribed before me this 7th day of March, 1911.

J. B. Shivers,
Judge of Probate, Perry County, Alabama.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Crumpton (with substitute):

S. 350. To prevent tax assessors in this State from receiving or collecting any fees, or commissions, on assessments of escaped taxes, or raises in assessment of taxes made by the State Tax Commission of Alabama or by its agents, or employees, or by any county Tax Commissioner in this State; or on any assessment of property made by him which is set aside and reassessed by the State Tax Commission of Alabama.

By Mr. Morrow (with substitute):

S. 290. To amend sub-division 6 (six) of section 3793 of the code of Alabama.

Mr. Lovelace, chairman of the standing committee on Forestry, Conservation and Preservation of Game, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Atkins:

S. 377. For the better enforcement of the game and fish laws of this State, to provide for the appointment of deputy game wardens in the several counties of this State, and to provide for their compensation.

By Mr. Atkins:

S. 376. To confer upon justices of the peace jurisdiction of all offenses arising under the game and fish laws of Alabama.

By Mr. Curry:

S. 200. To amend section 2 of an act approved August 31st, 1909.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 74. Relative to the President of the Senate and Speaker of the House erasing their signature from Senate bill 151.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

ERASURE OF SIGNATURE.

On motion of Mr. Frazer, and pursuant to S. J. R. 74, the President of the Senate in the presence of the Senate erased his signature from S. 151.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 436. For additional appropriations to those already provided for in section 2047 of the code of Alabama made out of the treasury of the State of Alabama, for the purposes named.

H. 83. To amend section 5748 of the code of Alabama.

And send the same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 436, To Finance and Taxation.

H. 83, To Revision of Laws.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following Senate bills:

S. 117. An act to establish a court of appeals for the State of Alabama, and to provide for the transfer of certain causes now pending in the supreme court to said court of appeals.

S. 41. An act to amend section 1942 of the code.

And find same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled bills.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bills:

S. 53. To change and regulate the appointment of the board of control of the Cane Brake Agricultural Experiment Station, to prescribe the authority and du-

ties of the said board and to provide for the expenses of said station.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Vaiden, the Senate non-concurred in the following amendment by the House to Senate bill 53, the title of which is set out in the foregoing message from the House, to-wit:

Amend Sec. 4 line 1, by striking out the words "four thousand" and inserting the words "two thousand five hundred."

And request committee of conference.

The President pro tem appointed as committee of Conference on the part of the Senate, Messrs. Vaiden, Screws and Tunstall.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 219. To provide for the payment to the Tax Assessor of Montgomery County, the sum of Seven Hundred Dollars for the year 1911, and the sum of seven hundred dollars per annum thereafter, out of the general fund of said county, as ex-officio fees to said assessor.

S. 230. To create the office of court reporter for Marengo county; to provide for his appointment and compensation; to provide his powers and duties; and to provide for the taking and collection and disposal of court reporter's fees in the courts of record of Marengo county.

S. 275. To repeal the Act of the Legislature of Alabama of 1900-01, Page 688, approved December 13th,

1900, providing for the trial of misdemeanors in the County Court of Fayette County, Alabama, and to provide for the transfer of all cases which have been transferred from the Circuit Court of said County to said County Court, together with all papers, records and everything pertaining to said cases, by the Clerk of said County Court back to the Circuit Court of said County for trial in said Circuit Court.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

BILLS ON THIRD READING.

The bill:

S. 349. To provide for the more efficient working of the public roads in Wilcox county; to provide revenues for the same; to define the powers and duties of the county commissioners with reference to same; to provide for the appointment of overseers and sub-overseers, and a civil engineer, defining their duties, and prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Folmar	Rogers
Morrow, Pres. Pro tem	Godbold	Screws
Allen	Kilby	Sloan
Atkins	Lovelace	Sprott
Beasley	Merrill	Stevens
Crumpton	Miller	Stokes
Curry	Nance	Vaiden
Fite	Renfro	

—23

Nays, 0.

The bill:

H. 442. To repeal an act entitled "an act to fix and regulate the ex-officio fees of the sheriff of Lime-

stone county, Alabama," approved March 5th, 1901.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Fite	Screws
Allen	Folmar	Sherrod
Atkins	Godbold	Sloan
Beasley	Kilby	Sprott
Brown, C. W.	Miller	Stevens
Crompton	Nance	Stokes
Curry	Rogers	Tunstall

—20

Nays, 0.

The bill:

H. 302. To repeal so far as the same applies to Clarke county, an act entitled "an act to amend section 1632 of the code, so far as the same relates to Crenshaw and Clarke counties, approved February 12th, 1887.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

	Curry	Nance
Messrs.	Fite	Rogers
Morrow, Pres. Pro tem	Folmar	Sherrod
Allen	Godbold	Sloan
Atkins	Justice	Sprott
Beasley	Lovell	Stevens
Brown, C. W.	Merrill	Stokes
Crompton	Miller	Tunstall

—22

Nays, 0.

The bill:

S. 362. To amend sections 555, 558 and 560 of the code of Alabama.

Was taken up.

The following amendment offered by the committee:

Amend bill by striking out the words "thirty-six hundred" wherever they appear in said bill and insert in lieu thereof "three thousand."

Was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.	Folmar	Rogers
Morrow Pres.Pro tem	Godbold	Sherrod
Allen	Justice	Sprott
Beasley	Lovelace	Stevens
Brown, C. W.	Merrill	Stokes
Crumpton	Miller	Tunstall
Curry	Nance	Vaiden
Fite	Renfro	

—22

Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 12; nays, 8.

Yeas:

Messrs.:	Folmar	Sherrod
Morrow Pres.Pro tem	Godbold	Stevens
Allen	Merrill	Tunstall
Atkins	Rogers	Vaiden
Curry		

—12

Nays:

Messrs.:	Miller	Renfro
Crumpton	Moody	Sprott
Fite	Nance	Stokes

—8

The bill:

H. 458. To authorize the Court of County Commissioners of Coosa County to buy mules, horses, road machines and tools for the purpose of working the public roads of Coosa County; to work the convicts of Coosa County on the public roads of said county; to employ laborers and superintendents to work and supervise the working of the public roads of said county; to collect from persons subject to road duty in lieu of work on public roads the sum of \$7.50 each per annum, and to

provide for collecting the same; to buy for use on said public roads any and all kinds of road material, to employ an engineer to survey and grade said public roads; to fix the age of road duty from 18 to 55 years and to use such sums of money from the general funds of said county for the purpose of working and improving such roads as said Court of County Commissioners may deem necessary.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Folmar	Screws
Allen	Godbold	Sherrod
Atkins	Lovelace	Sprott
Beasley	Miller	Stevens
Brown, C. W.	Nance	Stokes
Brown, W. T.	Renfro	Vaiden
Fite	Rogers	

—19

Nays, 0.

MESSAGE FROM THE GOVERNOR.

State of Alabama, Executive Department.

Montgomery, March 9th, 1911.

To the Senate:

I herewith submit for your advice and consent the following nominations:

Edward deGraffenried, of Hale County; Richard W. Walker, of Madison; John Pelham, of Calhoun, as judges of the court of appeals.

Emmet O'Neal,
Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Stevens, the nomination by the governor of Edward deGraffenried, of Hale county, as one of the judges of the court of appeals, was consented to and confirmed by the Senate.

Yeas, 25; nays, 0.

Yeas:

Messrs. :	Folmar	Rogers
Morrow, Pres. Pro tem	Godbold	Screws
Allen	Kilby	Sherrod
Atkins	Lovelace	Sprott
Beasley	Merrill	Stevens
Brown, C. W.	Miller	Stokes
Crumpton	Moody	Tunstall
Curry	Nance	Vaiden
Fite	Renfro	

—25

Nays, 0.

On motion of Mr. Morrow, the nomination by the governor of Richard W. Walker, of Madison county, as one of the judges of the court of appeals was consented to and confirmed by the Senate.

Yeas, 23; nays, 0.

Yeas:

Messrs. :	Folmar	Rogers
Morrow, Pres. Pro tem	Godbold	Screws
Allen	Kilby	Sherrod
Atkins	Merrill	Sprott
Beasley	Miller	Stevens
Brown, C. W.	Moody	Stokes
Curry	Nance	Tunstall
Fite	Renfro	Vaiden

—23

Nays, 0.

On motion of Mr. Kilby, the nomination by the governor of John Pelham, of Calhoun county, as one of the judges of the court of appeals, was consented to and confirmed by the Senate.

Yeas, 23; nays, 0.

Yeas:

Messrs.	Atkins	Brown, W. T.
Morrow, Pres. Pro tem	Beasley	Curry
Allen	Brown, C. W.	Fite

Folmar	Miller	Sherrod
Godbold	Moody	Sprott
Kilby	Nance	Stokes
Lovelace	Renfro	Tunstall
Merrill	Rogers	Vaiden

—23

Nays, 0.

BILLS ON THIRD READING RESUMED.

The Bill:

H. 459. To amend section 5202 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Fite	Rogers
Morrow, Pres. Pro tem	Folmar	Screws
Allen	Godbold	Sherrod
Atkins	Lovelace	Sprott
Beasley	Miller	Stevens
Brown, C. W.	Moulthrop	Stokes
Brown, W. T.	Nance	Tunstall
Crumpton	Renfro	Vaiden
Curry		

—24

Nays, 0.

The bill:

S. 352. To amend an act entitled an act to establish the Morgan county law and equity court, etc., approved February 25th, 1907.

Was read a third time at length and passed.

Yeas, 19; nays, 1.

Yeas:

Messrs.:	Brown, C. W.	Espy
Allen	Brown, W. T.	Folmar
Atkins	Crumpton	Lovelace
Beasley	Curry	Moulthrop

Renfro	Sherrod	Stokes
Rogers	Sprott	Tunstall
Screws	Stevens	

—19

Nay: Mr. Miller.—1.

The bill:

S. 369. To provide for the appointment by the sheriff of Montgomery county, Alabama, of an assistant night jailor, to fix his compensation and prescribe his duties.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Fite	Screws
Morrow Pres.Pro tem	Folmar	Sherrod
Allen	Godbold	Sprott
Atkins	Miller	Stevens
Beasley	Nance	Stokes
Brown, C. W.	Renfro	Tunstall
Brown, W. T.	Rogers	Vaiden
Crumpton		

—21

Nays, 0.

The bill:

S. 330. For the relief of J. D. Cromer, an ex-Confederate soldier, of Hale county, Alabama.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:	Fite	Screws
Allen	Folmar	Sherrod
Beasley	Lovelace	Sprott
Brown, C. W.	Miller	Stevens
Brown, W. T.	Nance	Stokes
Crumpton	Renfro	Tunstall
Curry	Rogers	

—19

Nays, 0.

The bill:

S. 370. To increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:	Godbold	Screws
Allen	Kilby	Sherrod
Beasley	Lovelace	Sprott
Brown, C. W.	Miller	Stevens
Curry	Nance	Stokes
Fite	Renfro	Tunstall
Folmar	Rogers	Vaiden

—20

Nays, 0.

The bill:

S. 314. To define the corporate limits of the town of Ariton, Dale county, Alabama.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:	Folmar	Nance
Morrow Pres. Pro tem	Godbold	Rogers
Allen	Justice	Screws
Atkins	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moody	Stokes
Fite	Moulthrop	Vaiden

—23

Nays, 0.

The bill:

H. 544. To create the office of official stenographer for Etowah county, to provide for his appointment, to prescribe his duties, fix his compensation, and provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:	Folmar	Screws
Morrow, Pres. Pro tem	Kilby	Sherrod
Allen	Lovelace	Sloan
Beasley	Miller	Sprott
Brown, C. W.	Moody	Stokes
Brown, W. T.	Nance	Tunstall
Curry	Renfro	Vaiden
Fite	Rogers	

—22

Nays, 0.

The bill:

S. 341: To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

Was taken up.

The following substitute offered by the committee:

Amend Senate bill 341, so as to read as follows:

A BILL TO BE ENTITLED AN ACT.

To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama, which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

Section 1. *Be it enacted by the Legislature of Alabama,* That this act shall apply to all cities and towns in the State of Alabama, which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment, authorizing or adopting the commission form of government, but shall not repeal, alter, or otherwise effect any existing valid legislation authorizing or adopting such form of government for any city or town, or class or classes of cities or towns, and that the word "city" or "cities" as hereinafter used shall embrace towns and all other municipalities to which this act applies.

Sec. 2. That any such city may adopt and become organized under the commission form of government by proceeding as hereinafter provided.

Sec. 3. That upon the presentation of a petition signed by such number of qualified electors of any city to which this act applies as will equal or exceed one per cent of the population of such city according to the last preceeding Federal census, to the judge of probate of

the county in which such city is located, asking that the proposition of organizing under this act be submitted to the qualified voters of such city, the judge of probate shall examine said petition and determine whether or not the same is signed by the requisite number of qualified electors of such city to authorize such election in such city for the purpose of adopting the provisions of this act, and if such probate judge shall find that said petition contains the requisite number of electors to authorize such an election he shall, within ten days from the receipt of said petition, certify such fact to the mayor of the city in which such election is so petitioned. The mayor or other chief executive of such city, immediately upon the receipt of such certificate from the probate judge, shall call a special election to be held within forty days thereafter for the purpose of determining whether or not said city shall adopt the commission form of government hereby authorized, and shall give notice of the time and purpose of such election by publication once each week for four successive weeks in some newspaper, if any published in said city, and if there be no such newspaper, then by notice posted at five public places in said city for thirty days. If said plan is not adopted at the special election so called, the question of adopting said plan shall not be submitted to the voters of said city for adoption within two years thereafter and then the question to adopt said plan may be resubmitted in the manner above provided. All qualified electors of said city may participate in said election, and the question submitted shall be whether or not the city named shall adopt the commission form of government provided by law, and such question shall be plainly printed upon the ballot and following the said question shall be printed the word "yes" with a blank opposite thereto, and in the next line the word "no" with a blank opposite thereto. The voter shall mark his ballot with a cross-mark before or after the word which expresses his choice. No other proposition shall be submitted to the voters at such election upon said ballot. The election shall be conducted, the expense paid, the vote canvassed and the result declared in the

same manner as is or may be provided by law in respect to other city elections. If the majority of the votes cast shall be "yes," or in favor of such proposition, the provisions of this act shall thereby be adopted for said city, and the mayor shall transmit to the governor, to the secretary of State and to the judge of probate of the county each a certificate that such proposition was adopted by said city.

Sec. 4. That whenever the commission form of government is adopted as herein provided, the mayor or other chief executive officer of such city in office at the time of such adoption shall become one of the commissioners herein provided for, and shall hold office as such commissioner until October 1st, of the year in which his term as mayor would have expired had such office remained undisturbed, provided that if such expiration be in the same year as such adoption of commission government, the term of office of such commissioner shall extend to the first day of October of the next year.

Within three days after the adoption of such commission form of government by such city as hereinabove provided, the mayor or other chief executive officer thereof shall call an election for the purpose of electing two other commissioners for such city, which election shall be held on the first Monday after sixty days from the date of the election adopting the commission form of government and not less than thirty days notice of the date and purpose of such election shall be given by the mayor or other chief executive of the city by advertisement at the expense of the city in some newspaper published in said city, if there be one, and if there be no newspaper, then by posting notice at five public places in the city. At such election two persons who are qualified electors of said city shall be elected to hold office as commissioners of said city, one for a short term and the other for a long term, and they, with the person who has become a commissioner by virtue of having been mayor, shall constitute the three commissioners of said city. The term of office of one commissioner shall expire on September 30th of the year next after the

year in which the election is held. The term of another shall expire on September 30th, of the second year after the year in which the election is held, and the term of the third commissioner shall expire on September 30th of the third year after the year in which the election is held. The expiration of the term of office of that commissioner who becomes such by virtue of being mayor is hereinabove fixed by reference to the expiration of his term of office as mayor, and the respective terms of office of the other two commissioners shall be such as are necessary in order to carry out the plan of having the term of office of one commissioner to expire on September 30th of each year beginning with the year next after that in which the election was held. Each commissioner elected after the first selection hereinabove provided for shall hold office for three years and until his successor is elected and qualified. The election in this paragraph authorized, including the naming of candidates, shall conform in all respects to the provisions and regulations hereinafter contained with respect to elections of commissioners.

Sec. 5. That the commissioners above provided for shall be known collectively as the board of commissioners of such city, and shall have the powers and duties hereinafter provided, and each of said commissioners shall qualify for office in the manner prescribed in section thirteen of this act, on or before the second Monday following the date of the election by which the board is filled or completed. As soon as they thus shall have qualified for office, then such city shall then and there be and become organized under the commission form of government provided under this act, and all three of said commissioners shall forthwith take office and enter upon their duties. Immediately upon said commissioners taking office, they, by a majority vote shall elect one of their number as mayor, and he also shall be president of the board of commissioners of said city, and in addition to the other duties and powers given him by the provisions of this act, shall be invested with all of the powers, jurisdiction and functions, and be charged with all duties, which may be conferred

or imposed upon him by said board, except that he shall not have the power to veto any ordinance.

Sec. 6. That the commissioners of such city, to be known as the board of commissioners of such city, shall have, possess, and exercise all the powers and authority, legislative, executive and judicial, theretofore possessed by the mayor, all governing body or bodies of said city, by whatsoever name called, all boards of public works, boards of police commissioners and any and all other boards and commissions, except school boards and other commissions and boards having in charge educational matters. All boards and commissions whose powers are hereby conferred upon such new commission shall stand abolished upon the organization of such new commission.

Such city shall continue its existence as a body corporate without change of name, and shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation, and shall continue to enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may hereafter be granted to it.

All laws governing such city and not inconsistent with the provisions of this act shall apply to and govern said city, after it shall become organized under the commission form of government provided by this act. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, but all commissioners shall be elected from the city at large. All rights, powers and property of every description which were vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability, either in favor of or against it, and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this act.

Sec. 7. That every city adopting the form of government provided for by this act shall be governed and managed by the board of commissioners provided for herein. Each and every officer and employee of said city, other than the commissioners, shall be selected and employed by the said board, or under its direction, and all salaries and wages paid by said city, except as otherwise provided by the terms of this act, shall be fixed by said board. The commissioners shall prescribe, and may at any time change, the powers, duties and titles of all subordinate officers and employees of said city, all of whom shall hold office and be removable at the pleasure of the board of commissioners. Provided, however, that all salaried officials, except members of the boards and commissions above mentioned, who are holding office at the time of the adoption of such form of government under an election, appointment or other selection for a definite term, shall be permitted to serve out such term in the position and with the duties and compensation, and subject to the conditions, restrictions and regulations, which would have existed had there been no change in the government of such city.

The executive and administrative powers and duties in such cities shall be distributed into and among such departments, as may be determined by a majority of said commissioners, and the powers and duties pertaining to each department shall be fixed by the said board of commissioners and altered from time to time as they may deem best, and one of the members of said board shall be assigned to take charge of each such department and, as head of such department, shall exercise the duties and powers so provided by said board, and said assignments may be changed at any time by a majority of said board.

Sec. 8. That said board of commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time and publicly announced by it; and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board, when present, shall preside at all meetings of

said board, but shall have no veto power. Two members of said board shall constitute a quorum for the transaction of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of two members of said board shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, or the transaction of any business of any sort by said board, or the exercise of any of the powers conferred upon it by the terms of this act, or that may hereafter be conferred upon it. The said board may delegate or assign to one or more of its members, or to such boards, commissions, officers or employees as may be created or selected by it, the performance of such executive and judicial duties and powers as may be necessary or convenient, provided that the same is done by resolution, by-law or ordinance duly enacted according to law, and the said board, except as herein otherwise provided, may abolish or change any judicial or ministerial office of such city by like process.

All meetings of said board at which any person not a city officer is present shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulation concerning the public comfort, the public safety or public health, or of any other general or permanent nature, shall be enacted except at a regular or adjourned public meeting of said board. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken; and the yeas and nays thereon shall be recorded. A record of the proceedings of every such meeting shall be kept in a well bound book, and every resolution or ordinance passed by the board of commissioners must be recorded in such book, and the record of the proceedings of the meeting be signed by at least two of the commissioners before the action taken shall be effective. Such record shall be kept available for inspection by all citizens of such city at all reasonable times.

Sec. 9. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this act, either in, under, upon, along, through or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks in some newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between its final passage and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said city may by written petition or petitions addressed to said board of commissioners object to such grant, and if during said period such written petition or petitions signed by at least a number of qualified voters equal to one for every three hundred inhabitants of said city or fraction thereof according to the then last Federal census shall be filed with the said board of commissioners, said board shall upon payment or deposit of estimated election expenses as hereinafter provided, forthwith order an election, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance, and pending such election the said grant shall stand suspended. In publishing the call for said election the said resolution, by-law or ordinance making said grant, shall be published at length and in full at the expense of the city in some newspaper published in said city by **at least one publication.** The board of commissioners shall, before making such call, furnish to the person, firm or corporation applying for such grant or franchise an estimate of the expense of the election to be held to consider the same, and if the person, firm or corporation so applying shall pay to or deposit with the city a sum sufficient to cover the cost of such election as so es-

timated the board of commissioners shall proceed to call said election; but if the same be not paid to or deposited with said city within thirty days after the board makes said estimate of the cost of such election said election shall not be ordered and the by-law, ordinance or resolution shall not be effective. The applicant for any such grant or franchise shall pay to the city the expense of such advertisement thereof whether an election be held therein or not, and the expense of such election if held; and such by-law, resolution or ordinance shall not be valid unless the fact of such payment be noted in the record thereof upon the minute book or other permanent record thereof as kept by said board. Any applicant may withdraw any application before and without incurring expense of such election, or he may ask and obtain a suspension of the by-law, resolution or ordinance until the next regular municipal election at which time the question of its adoption may be determined by special ballot and without expense to the applicant except for printing the special ballots and advertising the election on such application. If at such election the majority of the votes cast shall be in favor of said ordinance and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes so cast shall be against the passage of the said resolution, by-law or ordinance and against the making of said grant, said by-law, resolution or ordinance shall not, become effective nor shall it confer any rights, powers or privileges of any kind, and it shall be the duty of the said board of commissioners, after such result of said election shall be determined, to pass a resolution or ordinance to that effect.

No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through or over, the streets, public highways, thoroughfares, or public property of any such city shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the board of commissioners at some regular or adjourned public meeting and published as above provided for in this

section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same.

Sec. 10. In every city which shall adopt the provisions of this act an election shall be held on the first Monday in September in the year next succeeding the year in which such adoption occurred and on the same date of every succeeding year for the member of the board of commissioners whose term shall expire in that year and each commissioner so elected shall hold office for a term of three years beginning on the first day of October of said year and until his successor shall be elected and shall qualify for office.

Any person desiring to become a candidate for commissioner at any election which may be held under the terms of this act may become such candidate by filing in the office of the mayor of said city, if at the first election of the commission under this act, or with the commission at any subsequent election, a statement of such candidacy, accompanied by affidavit taken and certified by the said mayor, or a member of said commission, or by a notary public, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty days before the day set for such election, and shall be substantially in the following form:

"State of Alabama,-----County,

I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city of-----
in said State and County and reside at-----
in said city; that I desire to become a candidate for the office of commissioner in said city for the term ending September 30th, 19---- at the election for said office to be held on the ----day of -----; that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election.

(Signed)-----

Subscribed and sworn to before me by said-----
 -----on this----day of,-----, 19----,
 and filed in this office for record on said day.

 (Style of Officer.)

Said statement shall be accompanied by a petition signed by such number of qualified electors of said city as equals or exceeds three per cent of the number of votes cast in the last preceding municipal election in said city, certifying that they have requested that such person become a candidate for said office at said election and requesting that his name be printed on the official ballot for such election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be substantially like the following form :

“We, the undersigned, duly qualified electors of the city of-----, and residing at the places set opposite our respective names do hereby request that the name of----- be placed upon the official ballot as a candidate for the office of----- in said city for the term of----- years at the election to be held in this city on the----day of----- We further, state that we know said----- to possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold said office.”

Sec. 11. At elections for commissioners under this act the ballots shall be substantially in the following form :

For commissioner of the city of----- (insert name of the city)-----for term ending Sep. 30th, 19--.

First Choice.

Put cross-mark opposite candidate of your first choice.

<input type="checkbox"/>	A. B.
<input type="checkbox"/>	C. D.
<input type="checkbox"/>	E. F.
<input type="checkbox"/>	G. H.
<input type="checkbox"/>	I. J.
<input type="checkbox"/>	K. L.
<input type="checkbox"/>	M. N.

Second Choice.

Put cross-mark opposite candidate of your second choice. Second choice must *not* be same names voted for on first choice.

<input type="checkbox"/>	A. B.
<input type="checkbox"/>	C. D.
<input type="checkbox"/>	E. F.
<input type="checkbox"/>	G. H.
<input type="checkbox"/>	I. J.
<input type="checkbox"/>	K. L.
<input type="checkbox"/>	M. N.

At such election the names of all candidates for commissioner who have qualified as such as above provided shall be printed on the ballot in alphabetical order under the heading "first choice" and again under heading "second choice." If more than one office is to be filled the ticket shall be extended so as to likewise present the names of the candidates for the other officers. Each qualified elector may vote for a first and second choice for each office to be filled, but no vote of any qualified elector for the first choice for any office or offices shall be rejected or not counted because of the absence of any invalidity in his vote for second choice, nor shall

any vote of any qualified elector for second choice for any offices be rejected or not counted because of the absence of any invalidity in his vote for first choice.

At all such elections the candidate or candidates receiving the highest number of first choice votes for the office or offices to be filled shall be declared elected thereto, provided such highest number of votes be not less than a majority of the whole number of ballots cast.

Should any office remain unfilled by reason of the failure of any candidate to receive a majority of the first choice votes cast, then the first choice and the second choice votes of each candidate shall be added together and the candidate or candidates who shall have received the highest number of first and second choice votes together shall be declared elected provided such number be not less than a majority of the whole number of ballots cast.

Should any office still remain unfilled by reason of the failure of any candidate to receive votes equal to a majority of the ballots cast, such vacancy or vacancies shall be filled by another election to be held not less than ten nor more than fifteen days thereafter, at such election the ballots shall have printed thereon only the names of those two candidates who received the highest number of first choice and second choice votes, when added together, at the first election; and the number of candidates whose names shall be printed on said second election ballot shall not exceed two for each office to be filled.

In case of a tie vote between two candidates each of whom receives a majority of first choice votes, the one shall be deemed to have the highest number who shall have received the highest number of second choice. In case of a tie vote between two unelected candidates who receive an equal number of first choice and second choice votes when added together, the one shall be deemed to have the highest number who shall have received the highest number of first choice votes.

No defect in the form of ballot or technicality or inaccuracy in such election or in the call, notice or conduct thereof, shall invalidate such election if the same

was in substance fairly conducted and the will of the people fairly expressed thereat.

Except as is otherwise provided in this act all elections for commissioners hereunder shall be conducted as is provided by the general laws of this State applicable thereto, and at the expense of the city in which such election is held.

Sec. 12. The commissioners provided for by this act shall be elected by the vote of the legally qualified voters, and no person shall be eligible for such office who shall not be over the age of twenty-one years at the time he shall become a candidate or shall not be duly qualified to vote in the election at which he shall be elected. In case any person, after he shall have been elected and duly qualified as commissioner shall be declared ineligible to hold such office, a successor shall be chosen as in case of vacancy caused by death, resignation or any other cause.

Sec. 13. Every person who shall be elected to the office of commissioner in any city organized according to the provisions of this act shall, on or before the first Monday of the month succeeding his election, qualify by making oath that he is eligible for said office, and will execute the duties of same according to his best knowledge and ability. Said oath shall be administered by a member of the commission, or some other officer authorized to administer oaths, and he shall also give bond in the sum of five thousand dollars payable to said city, conditioned upon the faithful performance of his duties as commissioner, which bond shall be approved by judge of probate of the county in which said city is located, and recorded in his office, for which the judge of probate shall receive one dollar, to be paid by the commissioner.

Sec. 14. That the qualified voters of any city organized according to the terms of this act may at any time file with the probate judge of the county in which such city is located, a petition or petitions calling for the resignation of any commissioner of said city, such petitions shall contain a general statement of the grounds upon which the removal of said official is requested, and

each signer shall add after his signature and opposite thereto his residence address. No degree of generality or lack of particularity in the statement of grounds for removal shall be a ground of objection to such petition. In case such petition shall be signed by at least a number of voters duly qualified to vote for a successor to said officer equal to twenty-five per cent of the votes cast at the last city election wherein a commissioner was elected, the probate judge shall certify said petition to the board of commissioners of said city. It shall be the duty of the probate judge to examine into the qualifications of the signers of said petition, and if he shall find that said petition does not contain the requisite number of qualified electors to call said election, he shall, within ten days after the receipt of said petition, notify the persons presenting the same, in writing of such fact, and thereupon the persons so presenting said petition shall have ten days within which to secure additional signers to meet the deficiency pointed out by the probate judge, and a failure to secure any additional number that may be necessary within ten days shall cause said petition to be denied. If the petition as originally presented is found by the probate judge to contain the requisite number of qualified electors to call such election, he shall within ten days after the receipt of said petition, certify such fact to the board of commissioners of said city. If the petition as originally presented does not contain the requisite number of qualified electors to call such election, and the petitioners shall supply the deficiency within the time above provided then upon such deficiency being supplied, the probate judge shall certify to the board of commissioners that the requisite number of qualified electors have petitioned for such election, calling for the resignation of the commissioner named in such petition.

If said officer shall not on or before the next regular meeting of the board of commissioners after the receipt by the board of commissioners of the certificate of the probate judge as above provided, resign from office, then said board at such meeting shall order an election to be held not less than thirty days nor more than forty

days from the date of said meeting at which election a successor to such officer to hold office for his unexpired term shall be voted for. At such election the person sought to be removed from office shall be a candidate to succeed himself and his name shall be placed upon the official ballot without any affirmative action on his part and other candidates for commissioner for the unexpired term shall qualify the same as candidates at a regular election hereunder. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper, if any, published in said city, and if there be no such newspaper, then by posting notice at five public places in said city at least twenty days before the date fixed for the election, and such election shall be held and the result declared in all respects the same as a regular election. The person who shall be elected to such office shall hold same for the unexpired term thereof, and if the person so elected be the incumbent whose removal has been requested, then he shall continue in office as though such petition had not been filed or such election held.

Sec. 15. That whenever any vacancy shall occur in the office of commissioner of any city organized under the terms of this act by death or resignation or removal, then his successor for the unexpired term shall be elected by the two remaining members of the board of commissioners of such city, which successor shall serve until his successor can be elected by the people at the next regular election for commissioner next after three months from the date of his election by the remaining commissioners.

Every person who shall be elected to the office of commissioner in any such city under the provisions of this section or the preceding section, shall qualify for office as soon as practicable after such election, and shall be clothed with the duties and responsibilities and powers of such office immediately upon such qualification.

Sec. 16. That each commissioner of every city organized under the terms of this act shall receive a salary payable by the city in equal monthly installments

for whatever time the commissioner serves, as follows: In cities of 7,500 or less population the salary of such commissioner shall be such sum not exceeding \$900.00 per year as may be fixed by ordinance duly adopted by the board of commissioners; in cities of more than 7,500 and not exceeding 15,000 population the salary of each commisisoner, shall be at the rate of \$1,500.00 per year; in cities of more than 15,000 and not exceeding 50,000 population the salary of each commissioner shall be at the rate of one hundred dollars for each thousand of population of the city according to the last Federal census; and in cities of over 50,000 population the salary of each commissioner shall be at the rate per annum of \$1,000.00 for each 10,000 of population or major fraction thereof, but in no event shall the salary exceed the rate of \$7,500.00 per annum for each commissioner.

Sec. 17. That the employees of cities organized under this act shall be selected by the commissioner solely on account of their fitness and without regard to their political affiliations. It shall be unlawful to hold party caucus or primaries for the purpose of nominating any commissioner or any employee to be selected by such commissioners and any person who shall solicit, receive or accept a party or caucus nomination for the office of commissioner or for any office to be filled by said commissioners shall thereby be rendered ineligible for such office or for any other office under said city for a period of one year thereafter.

Sec. 18. It shall be unlawful for any candidate for office, or any officer in said city, directly or indirectly, to give or promise any person or persons an office, position, employment, benefit or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons or for any candidate to provide or use any hacks, automobiles or other vehicles for the purpose of bringing voters out to the polls on election day. Every commissioner elected by popular vote in such city shall, within thirty days after qualifying, file with the judge of probate of the county and same shall be published at least once in a newspaper of general circulation in such city his sworn

itemized statement in detail of all his election and campaign expenses, and by whom such funds were contributed, which publication shall be at the expense of such city.

Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, and be a ground for removal from office.

Sec. 19. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work, or material, or the profits thereof, or services to be furnished or performed for the city; and no such officer or employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof or services to be furnished or performed for any persons, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange within the territorial limits of said city. No such commissioner or other official of such city shall be interested in, or any employee temporarily, professionally or otherwise, of any person, partnership, corporation or association operating any public service utility within said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph lines or telephone exchange, or other business using, or operating under a public franchise, any frank, free pass, free ticket, or free service or accept or receive directly or indirectly from any such person, firm or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally.

Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than five hundred dollars, and may be imprisoned in the county jail for not more than nine-

ty days, and shall also be removed from office. Every such contract of agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor to policemen in the discharge of their duty; nor shall any free service to city officials heretofore provided by any franchise or ordinance be effected by this section. Any officer or employee of such city, who, by solicitation, or otherwise, shall exert his influence, directly or indirectly, to influence other officers or employees of such city to favor any particular person or candidate for office as commissioner of such city or who shall in any manner contribute money labor or other valuable thing to aid in the election of any person a commissioner of said city, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and may be also imprisoned in the county jail for a term not exceeding sixty days.

Sec. 20. The commission shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city and a summary of its proceedings during the preceeding month, and furnish printed copies thereof to the daily newspaper of the city and to persons who apply therefor. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish in pamphlet form the result of such examination in the manner above provided for publication of statements of monthly expenditures.

Sec. 21. Any person offering to give a bribe either in money or other consideration to the voter for the purpose of influencing his vote at any election provided in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, any person making false answer to any question authorized by law relative to his qualification to vote in said election, any person who votes or offers to vote at such election knowing himself not to be a qualified voter of such city, and any person who knowingly procures,

aid or abets any violation hereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than one hundred dollars, nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Sec. 22. Any employee of such city who solicits support for any candidate for commissioner, or any such employee who shall endeavor to influence any voter to vote for or against any candidate for commissioner shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars and may also be imprisoned in the county jail for not more than ten days and shall also be removed from office or employment of such city.

Sec. 23. All general laws of this State regulating and subscribing the conduct of the municipal election and the qualifications and registration of voters thereat shall apply to elections hereunder except when in conflict herewith.

Sec. 24. The judges of probate of the counties in which are located the cities covered by this act shall record in a well bound book kept for that purpose all papers required to be filed with them under the terms of this act, and shall receive therefor the compensation allowed by law for recording deeds. They shall also receive a fee equal to one dollar for each thousand population of the city according to the then last Federal census for examining each petition that may be filed hereunder for an election to adopt the commission form of government or to recall a commissioner, such fee to cover all services herein required of the probate judge except recording the papers, and to be paid by the city in which the election is held or sought to be held, and without regard to whether the election is in fact held.

Sec. 25. It shall be unlawful for any candidate for commissioner or for any other person in his behalf to hire or to pay or agree to pay any person to solicit votes at the polls on election day, and unlawful for any person to accept such hire or make such contract for pay to solicit votes for any commissioner; and any per-

son violating this section shall be guilty of a misdemeanor and may be punished by a fine not less than one hundred dollars not to exceed five hundred dollars for each offense, and that candidate violating this section shall be disqualified for and rendered ineligible to the office sought.

Sec. 26. The petitions provided by this act may be by a number separate instruments as well as by one instrument, and separate instruments may be joined together, to make one petition. No person but a qualified voter shall sign any petition provided for by this act. The presence upon any such petition or petitions of the name of persons who are not qualified voters shall not impair the validity of such petition or the names of properly qualified electors thereon; only the name of such persons not qualified shall be treated nullities. And no person shall sign the name of another to any such petition, whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable by fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature. The judges of probate or board of commissioner when passing on the sufficiency of such petitions and holding names thereon to be not qualified electors names shall indicate by marginal annotation or legible or intelligible order thereon; which names are so held to be held to be insufficient so that interested parties may be advised of the exact reason of such petition be held insufficient.

Sec. 27. Should vacancy exist simultaneously from any cause hereinbefore provided for in two or more commissionerships so as to leave no quorum of said vote to fill same, an election to fill said vacancy shall be called by the remaining commissioner, if there be one, and if there be none then by the judge of probate of the county to be held not less than twenty nor more than thirty days from the occurrence of the second vacancy. Notice of said election and of the time of holding same shall

be given by one publication at least fifteen days in advance of same in one or more newspapers in said city at the expense of said city. The commissioners chosen at said election shall qualify as speedily as possible thereafter.

Sec. 28. No commissioner, officer or employee of the city whatever, and no person who is related by consanguinity or affinity in the third degree or any nearer degree under the civil law to any commissioner, officer or employee of the city drawing from the city a salary equal to or in excess of \$75.00 per month, and no partnership any of whose members is so related to such commissioners, officer or employee, and no corporation any stockholder in which owning as much as five per cent of the capital stock is so related to any such commissioner, officer or employee, shall by contract or by employment or by trading or other business dealings receive any profit or emolument, wage or salary or other compensation from the city.

Section 29. No person may become an officer or employee of the city drawing compensation from the city equal to or in excess of \$75.00 per month who is related to such person by consanguinity or affinity in the third degree or any nearer degree under the civil law; and no person may become an officer or employee of this city at a salary or compensation equal or in excess to \$75.00 per month if there is already a commissioner, officer or employee of the city who is related to such consanguinity or affinity within the third degree, or any nearer degree by the civil law this shall not operate to disqualify any candidate or commissioner elected as such, but his election shall operate to disqualify the person within the prohibited degree of relationship from further employment of the city after said commissioner enters upon the discharge of his duties.

Sec. 30. No commissioner, officer or employee of this city shall directly or indirectly receive for the city any compensation, emolument or thing of value for any service rendered or to be rendered by him other than the regular compensation to be paid to him as fixed by the terms of his employment or as fixed by law.

Sec. 31. Any city which shall have operated for more than six years under the provisions of this act may abandon such organization hereunder and may resume its former form of government by proceeding as follows: Upon the petition of a number of qualified voters within said city equal to or exceeding twenty per cent of the highest vote received by any candidate at the last preceding municipal election, a special election shall be called by the board of commissioners at which the following proposition shall be submitted. "Shall the city of----- abandon its organization under the provisions of law providing for a commission form of government, and resume its former or aldermanic form of government under existing general laws relating to municipalities not of the commission form of government character?" If a majority of votes cast at a special election be in favor of such proposition, the next regular municipal election not less than thirty days thereafter shall elect all the municipal officers which are required by the existing general laws of such city, and upon the election and qualification of such officers such city shall become a city of non-commission character under said general laws but such change shall not in any manner or degree affect the property rights or liabilities of such city but shall merely extend to such change in the form of government. The sufficiency of such petition shall be determined, the election ordered and the results thereof declared in the manner provided for other elections in this act and the general laws of this state not inconsistent therewith. When an election is held under the provisions of this section, no other election may be called for the same or a similar purpose for at least two years next thereafter.

Sec. 32. All laws and parts of laws, both local and general in conflict with the provisions of this act are expressly repealed, this act shall take effect immediately upon its approval.

Was adopted.

Yeas, 22; nays, 0.

Yeas :

Messrs. :	Folmar	Screws
Allen	Kilby	Sherrod
Atkins	Lovelace	Sloan
Beasley	Merrill	Sprott
Brown, W. T.	Miller	Stevens
Crumpton	Nance	Stokes
Curry	Renfro	Vaiden
Fite	Rogers	

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Nays, 0.

And said bill as thus amended was read a third time at length and passed.

Yeas, 26 ; nays, 0.

Yeas :

Messrs.	Godbold	Rogers
Morrow, Pres.Pro tem	Kilby	Screws
Allen	Lovelace	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Miller	Sprott
Brown, W. T.	Moody	Stevens
Crumpton	Moulthrop	Stokes
Fite	Nance	Tunstall
Folmar	Renfro	Vaiden

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Nays, 0.

ADJOURNMENT.

At 4:55 o'clock on motion of Mr. Sprott the Senate adjourned until 11 o'clock tomorrow morning.

THIRTY-SEVENTH DAY.

Friday, March 10th, 1911.

The Senate reassembled in the Senate chamber at 11 o'clock, A. M. Hon. Walter D. Seed, Lieutenant Governor, and President of the Senate, being absent from the State, and President pro tempore Hon. Hugh Morrow, being confined to his room by reason of illness: The Secretary of the Senate called the Senate to order and announced the absence of the President and President pro tempore of the Senate and that in pursuance of the direction of the Constitution, the Senate had the right and authority to select one of its own members to act as temporary President pro tem. for today, and further announced that nominations for that position were in order.

Mr. Screws, senator from the 28th senatorial district, put in nomination as temporary president pro tem. of the Senate for today Hon. Charles M. Sherrod, senator from the second senatorial district, which nomination was seconded by Mr. Moulthrop, senator from the twenty-fourth senatorial district.

No further nominations were made and upon a call of the roll of the Senate, Mr. Sherrod received 25 votes being a majority of the whole number elected to the Senate.

Those who voted for Mr. Sherrod are:

Messrs. :	Godbold	Rogers
Allen	Lovelace	Screws
Atkins	Merrill	Sloan
Beasley	Miller	Spragins
Brown, C. W.	Moody	Sprott
Crumpton	Moulthrop	Stevens
Curry	Nance	Stokes
Espy	Norman	Tunstall
Fite	Plowman	

—25

Whereupon Mr. Sherrod was declared duly and constitutionally elected temporary President pro tem. of

the Senate for today, and he thereupon came forward and took the chair.

PRAYER.

Prayer by Mr. Norman of the Senate.

ROLL CALL.

Present:

Messrs. :	Godbold	Renfro
Allen	Justice	Rogers
Atkins	Kilby	Screws
Beasley	Lovelace	Sherrod
Brown, C. W.	Merrill	Sloan
Brown, W. T.	Miller	Spragins
Crumpton	Moody	Sprott
Curry	Moulthrop	Stevens
Espy	Nance	Stokes
Fite	Norman	Tunstall
Folmar	Plowman	Vaiden
Frazer		

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JOURNAL.

On motion of Mr. Norman, the reading of the Journal of yesterday was dispensed with and the same was approved.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows:

By Mr. Beasley:

S. 385. To submit to the qualified electors of the State at the next general election, a proposed amendment to section 178 of the Constitution of Alabama, so as to require a payment of the poll tax for the five years next preceding the time of offering to vote, as a requisite to the right to vote.

Was read one time at length and placed on the calendar.

By Mr. Crumpton.

S. 386. To secure uniformity and equality in the assessments of property in the various counties of the State of Alabama, and to that end to increase the powers and duties of the State tax commission and to relieve the county tax commissioners of all powers and duties in connection with the assessment or back assessment of property in this State and to increase the appropriation for the support and maintenance of the State tax commission.

Judiciary.

By Mr. Miller.

S. 387. For the relief of W. S. Grant, Sheriff of Marengo county, and expenses incurred in the removal of Charles Autrey from the state of Mississippi to Linden, Alabama.

Finance and Taxation.

With Notice and Proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to pay W. S. Grant as sheriff of Marengo county out of the State treasury of Alabama, \$57.50 expense incurred in the removal of Charles Autrey from State of Mississippi to Linden, Ala.

W. S. Grant.

The State of Alabama, }
Marengo County. }

I, W. F. Shute, Editor and Publisher of the Democrat-Reporter, a newspaper published in Marengo county, Alabama, hereby certify that the attached notice was published in said paper for four successive weeks, and that a copy of said paper was sent to each of its subscribers each week while said notice was being published.

Wm. F. Shute.

Sworn to and subscribed before me this the 6th day of March, 1911.

G. O. Miller,
Notary Public.

By Mr. Miller:

S. 388. To amend section one of an act to create and establish the Marengo Law and Equity court for Marengo county. Judiciary.

With Notice and Proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend section one of an act to create and establish the Marengo Law and Equity court so as to give original jurisdiction to said Marengo Law and Equity court in all suits and actions at law when the matter or sum in controversy exceeds \$20.00.

A Citizen.

The State of Alabama, }
Marengo County. }

I, W. F. Shute, editor and publisher of the Democrat-Reporter, a newspaper published in Marengo county, Alabama, hereby certify that the attached notice was published in said paper for four successive weeks, and that a copy of said paper was sent to each of its subscribers each week while said notice was being published.

Wm. F. Shute.

Sworn to and subscribed before me this the 6th day of March, 1911.

G. O. Miller,
Notary Public.

By Mr. Miller:

S. 389. For the relief of W. S. Grant, sheriff of Marengo county, Alabama, for the expenses incurred in the removal of John B. Gore from Conway, South Carolina, to Linden, Alabama.

Finance and Taxation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to pay W. S. Grant as sheriff of Marengo county, out of the State treasury of Alabama, \$86.00 expenses incurred in the removal of John B. Gore from Conway, S. C., to Linden, Ala.

W. S. Grant.

The State of Alabama, {
Marengo County. }

I, W. F. Shute, editor and publisher of the Democrat-Reporter, a newspaper published in Marengo county, Alabama, hereby certify that the attached notice was published in said paper for four successive weeks, and that a copy of said paper was sent to each of its subscribers each week while said notice was being published.

Wm. F. Shute.

Sworn to and subscribed before me this the 6th day of March, 1911.

G. O. Miller,
Notary Public.

By Mr. Screws:

S. 390. To amend section 7818 of the code of Alabama.

Military.

By Mr. Stevens:

S. 391. To amend sections 2340, 2341, 2343 and 2344, and to repeal section 2342 of the code of 1907.
Finance and Taxation.

By Mr. Sprott:

S. 392. To amend section 7607 of the Code of Alabama.

Judiciary.

By Mr. Atkins:

S. 393. To provide for the payment to the tax assessor of Dallas county, the sum of five hundred dol-

lars, for the year 1911, and the sum of five hundred dollars per annum thereafter, out of the general fund of said county, as ex-officio fees to said assessor.

Finance and Taxation.

With Notice and Proof as follows:

The State of Alabama, }
County of Dallas }

Before me, J. A. Fuller, a notary public in and for said county in said State, personally appeared R. E. L. Neil, who, being by me first duly sworn, deposes and says, that he is editor and publisher of The Selma Times, a newspaper published in Dallas county, Alabama, and that the following notice was published in said newspaper once a week for four consecutive weeks, namely: On February 15th, February 22nd, March 1st and March 8th, 1911:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama of 1911 to allow the tax assessor of Dallas county five hundred dollars per year as ex-officio fees to be paid out of the county treasury of Dallas county.

R. E. L. Neil.

Sworn to and subscribed before me this the 9th day of March, 1911.

J. A. Fuller,
Notary Public, Dallas County, Alabama.

REPORTS OF COMMITTEES.

Mr. Stevens, chairman of the standing committee on Judiciary reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sprott. (With amendment):

S. 368. To allow defendants in all misdemeanors to demand trial by jury.

By Mr. Chamberlain:

H. 316. To regulate the assignment of unearned salaries and wages of persons in the State and to prescribe conditions under which such assignments may be made.

By Mr. Pegram:

H. 538. To amend section five of an act, approved August 26th, 1909, entitled an act to create and establish the Marengo Law and Equity court for Marengo county.

Mr. Moody, chairman of the standing committee on Temperance reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Justice:

S. 329. To provide for an election in Elmore county, Alabama, to determine whether or not the incorporated cities and towns in said county, and the cities and towns that may hereafter be incorporated in said county shall be authorized and permitted to operate dispensaries; to fix the time and provide for the manner of holding said election, and in the event a majority of the qualified voters of said county shall vote in favor of authorizing such dispensaries, to authorize and permit the incorporated cities and towns and the cities and towns that may hereafter be incorporated in said county to establish and operate a dispensary or dispensaries for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

By Mr. Morrow. (With amendment):

S. 356. To regulate the liquor traffic in all cities in the State of Alabama, which have a population of as much as 100,000 people, according to the last Federal

census, or which shall hereafter have such population according to any such census that may be taken hereafter, by regulating and providing for the manufacturing, buying, selling, bartering, giving away, or otherwise disposing of spirituous, vinous or malt liquors and intoxicating beverages in said cities, by dispensaries, beer buffets and social clubs, and to provide punishment for any violation thereof.

Mr. Frazer, chairman of the standing committee on Insurance reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fuquay:

H. 168. To amend section 4546 of the code of Alabama, of 1907.

By Mr. Fuquay:

H. 352. To amend section 1 of an act entitled "An act to amend sections 1 and 4 of an act entitled an act to amend sections 1116, 1117, 1118, 1119 and 1120 of the code of Alabama of 1896, approved Feb. 28, 1903," approved August 9, 1907.

Mr. Espy, chairman of the standing committee on Penitentiary, Prisons and Punishment, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stevens:

S. 265. To repeal sections 6619, 7196, 7212, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221 and 7222 of the code of Alabama of 1907, and section 20 of an act of the Legislature of Alabama, page 158 of the acts of the special session of the Legislature of Alabama of 1909, and which is the same as section 6447 of the Code of Alabama of 1907.

Mr. Nance, chairman of the standing committee on Agriculture reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fowlkes:

H. 184. To prohibit the transportation of cotton seed and unginned cotton from any county in Alabama where the cotton boll weevil is known to exist to any county in Alabama where the cotton boll weevil is not known to exist, and to provide for the condemnation and destruction of any cotton or cotton seed so shipped.

Mr. Beasley, chairman of the standing committee on Public Roads and Highways reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Folmar:

S. 380. To require all persons subject to road duty under the general law of the State to work upon the public dirt roads of Crenshaw County for not less than ten days in each year, or instead thereof to pay the sum of five dollars annually, to fix the time for paying said amount; to require the tax collector to file a list of the persons paying said road tax; to prescribe the manner in which said tax shall be applied to the working of the public roads and providing a penalty for the violation of the said law.

By Mr. Beasley:

S. 375. To provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and bridge purposes in said county; to provide for the appointment of road foremen in the several precincts in

the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

ADVERSE REPORT.

Mr. Stevens chairman of the standing committee on Judiciary reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report.

By Mr. Johnson, of Marshall:

H. 256. To repeal an act approved August 18th, 1909, providing for the holding of two terms each year of the circuit court of Marshall county, at Albertville.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined the following Senate bills:

S. 314. To define the corporate limits of the town of Ariton, Dale county, Alabama.

S. 362. To amend sections 555, 558 and 560 of the code of Alabama.

S. 330. For the relief of J. D. Cromer, an ex-Confederate soldier, of Hale county, Alabama.

S. 369. To provide for the appointment by the sheriff of Montgomery county, Alabama, of an assistant night jailor, to fix his compensation and prescribe his duties.

S. 349. To provide for the more efficient working of the public roads in Wilcox county; to provide revenues for the same; to define the powers and duties of the county commissioners with reference to same; to provide for the appointment of overseers and sub-overseers, and a civil engineer, defining their duties, and

prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

And find same correctly engrossed.

Thos. A. Curry,
Chairman.

NOTICE.

Mr. Allen gave to the Senate the following notice in writing:

NOTICE.

Notice is hereby given that I will on tomorrow, Saturday, March 11th, immediately after the reading of the Journal, move to reconsider the vote by which the Senate on yesterday passed,

S. 362. To amend sections 555, 558 and 560 of the code of Alabama.

Thurston H. Allen.

March 10th, 1911.

RESOLUTIONS.

Mr. Godbold offered the following resolution:

S. J. R. 75. Resolved by the Senate, the House concurring, That when the Senate and House adjourn to-day that they stand adjourned until Tuesday, March 14th, 1911, at 11 A. M.

Which was read and referred to the Rules Committee.

Mr. Godbold offered the following resolution:

S. R. 76. Be it resolved that no bill providing for the sale or manufacture of intoxicating liquors in any county in Alabama shall be taken up at the afternoon session of the Senate.

Which was read and referred to the Rules Committee.

Mr. Allen offered the following resolution:

S. R. 77. Be it resolved by the Senate that Senate Bill No. 362 be recalled from the House of Representatives for further consideration by this body.

Which was read and referred to the Rules committee.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 296. To abolish the fine and forfeiture fund of Wilcox county, and to provide for the payment into the general fund of said county of all moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund.

S. 286. To fix the times and places of holding the courts in the counties composing the eighth judicial circuit of Alabama.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 95. To amend section 7083 of the code of Alabama of 1907, also to repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large; to provide that all fines assessed shall be paid in money and that one-half thereof shall be paid to the injured party; to confer jurisdiction, to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large, upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries and to provide for the prosecutions and convictions for violation of the terms of this act, under affidavit and warrant, or information, and without indictment, approved August 19, 1909.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Sprott the Senate concurred in the following amendment by the House to Senate bill No. 95 the title of which is set out in the foregoing message from the House, to-wit:

(1) Amend by striking out the following words: "A bill to be entitled an act to amend section 7083 of the code of Alabama of 1907."

(2) Amend by striking out the words: "Also to repeal an act, etc." and in lieu thereof, to insert the following: "To repeal an act, etc., as to Sumter county."

Yeas, 25; nays, 0.

Yeas:

Messrs.	Folmar	Plowman
Allen	Godbold	Rogers
Atkins	Lovelace	Screws
Beasley	Merrill	Sherrod
Brown, C. W.	Miller	Sloan
Crumpton	Moody	Spragins
Curry	Moulthrop	Sprott
Espy	Nance	Stokes
Fite	Norman	

—25

Nays, 0.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate bills:

S. 275. An act to repeal the act of the Legislature of Alabama 1900-01, page 688, approved December 13, 1900, providing for the trial of misdemeanors in the county court of Fayette county, Alabama, and to pro-

vide for the transfer of all cases which have been transferred from the circuit court of said county to said county court, together with all papers, records and everything pertaining to said cases, by the clerk of said county court back to the circuit court of said county for trial in said circuit court.

S. 230. An act to create the office of court reporter for Marengo county; to provide for his appointment and compensation; to provide his powers and duties; and to provide for the taking and collection and disposal of court reporters' fees in the courts of record of Marengo county.

S. 219. An act to provide for the payment of the tax assessor of Montgomery county, the sum of seven hundred dollars for the year 1911, and the sum of seven hundred dollars per annum thereafter, out of the general fund of said county, as ex-officio fees to said assessor.

And find the same correctly enrolled.

N. D. Godbold,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from Committee on Enrolled Bills.

The reading at length of said bills having been dispensed with, by a two thirds vote of a quorum of the Senate present.

REPORT FROM RULES COMMITTEE

Mr. Tunstall chairman of the standing committee on Rules, reported that said committee, in session, had acted on the following joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 75. Resolved by the Senate, the House concurring, That when the Senate and House adjourn today that they stand adjourned until Tuesday March 14th, 1911, at 11 a. m.

Which said report was concurred in and said resolution was adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

S. J. R. 75. Relative to adjournment today until Tuesday, 14th March, 1911.

And returns same herewith to the Senate.

W. F. Herbert, Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 645. To create and establish the office of General Guardian ad litem in all Counties of over One Hundred Thousand (100,000) population according to the last Federal Census or according to any subsequent Federal Census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office, to provide for the appointment ad litem in cases where the General Guardian ad litem is disqualified or where the interests of the infants interested in a case are antagonistic or conflicting; and to prescribe the penalty for wrongfully appointing such Guardian ad litem.

And returns same herewith to the Senate.

Also:

H. 540. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN.

Of the intention to introduce in and apply to the Legislature of Alabama, which convened on January 10, 1911, and now in session for the passage of a local act for Clay county substantially as follows:

AN ACT

To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That the court of county commissioners of Clay county shall at their first regular meeting after the passage and approval of this act or as soon thereafter as may be necessary elect or appoint a superintendent of public roads of said county who shall hold office for a term of two years and until his successor is elected or appointed by the court of county commissioners unless he shall sooner be removed by said court for drunkenness, neglect of duty or incompetency.

Sec. 2. *Be it further enacted*, That before entering upon the duties of such office, such superintendent shall qualify by taking and filing the statutory oath of office, and giving bond in such sum as may be prescribed by said court, but in no event for less than one thousand dollars, payable to Clay county, with sureties thereon, to be approved by the judge of probate of said county, which oath and bond shall be recorded in the office of the judge of probate.

Sec. 3. *Be it further enacted*, That the superintendent of public roads shall receive a salary for each year's service, to be fixed by the court of county commissioners before he enters upon the duties of such office, such salary to be paid in quarterly installments, at the end of each quarter by a warrant drawn by the judge of probate on the road fund in the county treasury.

Sec. 4. *Be it further enacted*, That subject to the orders and direction of the said commissioner's court, the said superintendent shall have control and super-

vision of all the public roads of the county, as to the manner of working, repairing and maintaining the same; as to changing the present roads and locating and opening new roads; and of the execution of any contract now or hereafter made by said court for the working and repairing and opening or changing of roads, or of building or repairing bridges, culverts or causeways.

Sec. 5. Be it further enacted, That immediately after he qualifies said superintendent shall have authority and it shall be his duty to appoint one or more competent resident citizens of said county as enumerators of road hands for said county or for a specified number of precincts thereof, as shall be determined by him, each of whom shall make oath in writing, to be administered by said superintendent, that he will faithfully discharge the duties of such office, and which oath shall be filed in the office of the judge of probate of said county, and there preserved for public examination.

Sec. 6. Be it further enacted, That immediately upon the completion and filing in the office of the judge of probate of said list of road hands, the superintendent shall divide into consecutively numbered sections the public roads in each precinct, and into such lengths as he may determine, and he shall then appoint such number of overseers thereof as may be necessary for a term of one year, and to such overseer shall assign such section or sections as he may deem advisable for the proper working and maintenance of said roads. To each overseer such superintendent shall apportion such road hands for each section as the nature and character and amount of work to be done thereon renders necessary, and shall deliver to such overseer a list of such hands, and keep in his office for ready reference a duplicate thereof.

Sec. 7. Be it further enacted, That each overseer shall take and subscribe in writing before said superintendent an oath that he will faithfully perform the duties of road overseer, which shall be filed in the office of the judge of probate. To each overseer said superintendent shall deliver a commission, setting forth the

section or sections over which he has been so appointed as also the grade of the road or roads thereof. Said superintendent may at any time remove an overseer for neglect, failure or refusal to perform his duties, or for drunkenness. Upon a vacancy occurring in the office of overseer from whatever cause, said superintendent shall fill the same, such appointee holding for the unexpired term of his predecessor.

Sec. 8. Be it further enacted, That at least four times each year said superintendent shall personally inspect all the public roads in each section, and in making such inspection shall, when practicable, be accompanied by the overseer thereof, to whom the superintendent shall make such suggestions, and give such directions as to changing roadbeds, repairing, improving and working the public roads, and building, repairing and maintaining bridges and culverts, as he may deem proper. The superintendent shall make full report in writing of the condition of the public roads and the manner in which any contracts relating thereto have been or are being executed, to the court of county commissioners, at the February, April, August and November terms of said court in each year and such special reports may be required at any time by said court; and he shall also make full report of like character to each regular grand jury impanelled in said county, which last mentioned report shall be submitted within the first two days after the assembling of said grand jury.

Sec. 9. Be it further enacted, That the enumerator or enumerators herein provided for shall, immediately after January first of each year, make a thorough and complete house to house canvass of said county, or of such specified precincts thereof for which he shall have been so appointed enumerator, listing the names and ages of all male residents thereof over 18 and under 45 years of age, entering the same in a book to be kept for that purpose, and opposite each name so enrolled the name or location of the house in or farm on which he resides, and the names of the public road nearest his dwelling place. The names so enrolled in said en-

rollment book shall be written in a plain, legible hand with ink, and upon completion of such book, it shall be forthwith filed in the office of the judge of probate of said county.

Sec. 10. Be it further enacted, That if any person proposed to be enumerated shall claim to be under 18 or over 45 years of age, said enumerator may take the affidavit of such person, or any other, as to the age of said person, which affidavit or affidavits shall be in writing, subscribed by the affiant, and shall be preserved and filed by the enumerator in the office of the judge of probate, except in such cases where the enumerator has cause to believe that perjury has been committed, and then such affidavit shall be returned to the next grand jury. In enumerating persons for road duty, any person who has lost an arm or a leg, or who shall have a proper certificate of exemption each year from the court of county commissioners shall be exempt from road service.

Sec. 11. Be it further enacted, That the enumerators herein provided for shall receive such compensation as may be fixed by the court of county commissioners, and be paid by warrants of the judge of probate out of the road fund of the county, upon proper vouchers filed with said judge. Provided that any enumerator may be removed by the superintendent at any time for neglect or failure to perform his duties, or for partiality or favoritism shown therein.

Sec. 12. Be it further enacted, That the superintendent may in his discretion appoint as overseer persons who are not liable to road duty. It shall be the duty of each overseer to make quarterly reports to the superintendent of all work done by the hands, and the number of days worked by each hand, the names of all defaulters, and, until such report is made, the overseer shall not be paid his per diem.

Sec. 13. Be it further enacted, That all male inhabitants of Clay county between the ages of 18 and 45 years, and not exempt from road duty under the general laws of the state (except the inhabitants of cities and towns having an acting municipal organization),

shall be required to work upon the public roads of said county for 10 days in each calendar year. Provided, that said 10 days of work may be commuted by the payment to the superintendent or to the county treasurer on or before the 15th day in January of each year of the sum of \$6.50, provided, that if at any time any person so liable to perform road duty is summoned or warned to work the public road, he must then work the number of days for which he is so summoned, unless he then pay to said superintendent or to the county treasurer the sum of \$6.50. Provided, further, that if in response to being warned or summoned therefor, any person so liable to do road duty shall do any number of days' work, such person may thereafter before being warned commute the balance or remaining portion of said ten days' specified less 65 cents per day for work by paying the amount above the time so worked, up to July 1st of any one year, and after said July 1st, no person can commute said work. If the above specified sum is not paid on or before the date hereinbefore fixed, the road hand, either in person, or by an able bodied substitute, shall perform the full 10 days' labor. To the end that the road hands shall have the opportunity to pay such commutation money, it shall be the duty of the superintendent to attend at a designated place in each precinct on a day prior to the 15th day of January in each year, of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct. No overseer shall be authorized at any time to receive commutation money in lieu of road service.

Sec. 14. Be it further enacted, That whenever an overseer shall determine that a public road needs repairing or working, or when the superintendent shall so direct, he shall call out such hands as have been listed to him as he may deem sufficient in number, to work for such length of time as shall be determined by him or directed by said superintendent, and each hand shall furnish and bring with him shovels, picks, mattocks and also such other tools as he may be required by the overseer, and if any hand shall fail or

refuse to work, or to furnish an able bodied substitute (unless he has commuted such service as hereinbefore provided) it shall be the duty of the overseer within five days from such warning to return each and every hand so failing or refusing to a justice of the peace in the precinct, or, if there be no justice in the precinct, then to the nearest justice of the peace in an adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the State. Provided, That overseers, on good excuse made under oath, which may be administered by the overseer, may excuse defaulters within five days after default. Any person making a false oath to so get excused shall be guilty of perjury and punishable therefor as provided by law.

Sec. 15. Be it further enacted, That a days' work for road hands, under the provisions of this act, shall be nine hours of actual service. The warning of hands shall be made by the overseer, in person or by substitute, by giving two days' notice to the hands, stating to them on what day and at what point on the road such hands shall report for service, or it may be made by leaving a written notice for the same length of time at the residence of the hand; but no hand shall be required to go more than six miles from his residence in working the public roads.

Sec. 16. Be it further enacted, That when a road hand listed to an overseer has performed part of his road service, and thereafter removes from such precinct, it shall be the duty of such overseer to furnish him, on demand, a written certificate showing the time he has served during the current calendar year, which certificate shall be an exemption to such road hand to the extent of the time worked from road service in any other precinct in the county to which he may remove.

Sec. 17. Be it further enacted, That all fines imposed upon road defaulters shall be paid in lawful money and when collected shall be paid within ten days by the justice to the county treasurer to the credit of the road fund, and shall in no event be retained or otherwise appropriated by such justice.

Sec. 18. Be it further enacted, That the court of county commissioners may, if it so determine, employ the misdemeanants sentenced to hard labor for the county in working the public roads thereof, or may let them to hire to any road contractor in the county, under such rules and regulations as it may adopt, as to feeding, clothing, housing, medical attention and guarding, but no female convict shall be worked upon the public roads, but may be hired out to contractors for service for cooking, washing, sewing and such like employment in camps, stockades or prisons, or employed for such purpose under the direction of the commissioners' court. But nothing in this act contained shall prevent the commissioners' court from hiring out any and all convicts sentenced to hard labor for the county, as now provided by general law.

Sec. 19. Be it further enacted, That when any person sentenced to hard labor for the county is worked on the public roads of said county, either under the direction and control of the court of county commissioners, or let by it to a contractor for working on the public roads of said county, such convict shall have credit on the sentence imposed for cost, for his labor, not less than 50 cents per day, until such cost is paid or otherwise secured as provided by law, and when convict are so worked under the direction and control of the commissioners' court, or by it let to contractors on the public roads of the county, the time so to be worked out in payment of the cost, at not less than 50 cents per day, shall be paid out of the road fund of the county upon the order of the commissioners' court to the clerk of the court in which such convict is delivered, or at the next term of the commissioners court thereafter, and the clerk must thereupon pay the amount received of the sentence for cost to the persons entitled thereto, as provided by law.

Sec. 20. Be it further enacted, That it shall be the duty of the overseers of roads before commencing to work their roads to ascertain as near as possible what teams for plowing or hauling they will require, and to make requisition on the superintendent therefor, stat-

ing in such requisition the hauling or plowing to be done, and it shall thereupon be the duty of the Superintendent to determine to what extent such requisition shall be complied with, and to either hire from private persons or furnish the teams owned by the county to fill the requisition to the extent deemed proper, or to authorize the overseer to hire such teams from private parties for such time as the superintendent may designate, and all bills for the use or hire of teams must be approved by the superintendent and court of county commissioners before payment, and no overseer shall use his own teams for work or hauling on the public roads, unless authorized in writing so to do by the superintendent. Provided, that in case of a serious casualty to a road, bridge or culvert, the overseer may act at once and hire the necessary teams to repair the same without making requisition; but shall promptly thereafter make full report of his actions to the superintendent.

Sec. 21. Be it further enacted, That the overseers of roads appointed under this act shall be paid such compensation as may be determined by the court of county commissioners, to be paid at the end of each quarter upon the approval of his report and account by the superintendent, out of the road fund, upon the warrant of the judge of probate. Provided, that the overseer shall not be paid a per diem for warning hands, but he may appoint a road hand to do that duty and excuse him from a days' work for each day he shall be engaged in warning hands.

Sec. 22. Be it further enacted, That the superintendent of roads shall be under the control and direction of the court of county commissioners, who shall require him to devote his entire time to the public roads and bridges of the county, and he shall be furnished with all necessary stationery and blanks for the use of his office, to be paid out of the road fund, and such superintendent shall keep such books and accounts, lists of overseers, enumerators and road hands as to show all transactions pertaining to the working, repairing and maintenance of the public roads and

bridges, and shall be provided with an office in the court house in which to keep his books and other papers pertaining to his office.

Sec. 23. Be it further enacted, That the court of county commissioners for said county shall have authority to purchase and maintain such teams, implements, tools, and material as may be deemed necessary and proper for use in working, repairing and maintaining the public roads of said county and shall be authorized to purchase right of way for new roads, or changes in roads, to contract for the grading, filling or macadamizing of any part or parts of any public road, or to employ persons to do such work under such agent as it may appoint, and to pay the same out of the road fund or out of the general fund.

Sec. 24. Be it further enacted, That when it is desired to open a new road or change an old road in said county (except under minor changes otherwise provided for) instead of a jury view, as provided by sections 5773, et seq. of the code of 1907, the court of county commissioners shall appoint a competent civil engineer or the superintendent of roads to survey, to view, to locate and mark out the best route for such proposed new road or changed road, and to assess the value of the land to be taken for such new or changed road, and he must, before entering upon such duty, take and subscribe an oath to view and mark out a road to the greatest advantage to the public, and after surveying and marking out the road, must make report and return the same, with the necessary plat, to the court, together with an assessment of the value of the land of each land owner that will be taken if the road is so opened, or the route so changed. Provided, that where minor changes can be made with the consent of the owner of the land over which such changes shall be located, or when the right of way for a new road can be acquired by donation or purchase from the land owner, then such changes may be made or a new road opened by order of the court of county commissioners entered on the minutes of said court, without proceeding under this and the succeeding sections of this act.

Sec. 25. Be it further enacted, That upon the coming in of the report and the return of the civil engineer or superintendent as provided in section 24 of this act, the commissioners' court must cause notice to be served on the owner or owners of such tract or parcel of land over which the road has been marked, showing the route marked out, the quantity of land that will be taken from said owner, if the road is opened, and the amount of compensation that the report of the engineer shows should be paid to said owner as to the value of his land so to be taken, and appointing a day on which the court will hear any objections to said report, or to any valuations therein shown, for at least ten days before the time set for hearing such report, and any objection thereto. Said notice shall be served by the superintendent by personal service on the owner or owners, or if such owner cannot be found, but has a residence in the county, by leaving a copy of said notice at his residence. Should it be made known to the court by the return of the engineer or superintendent, or from any other source, that the owner or owners of the land, or any part thereof, reside outside of the State, then like notice shall be given such owner or owners by publication for three successive weeks in some newspaper published in the county.

Sec. 26. Be it further enacted, That on the day appointed, as provided by section 25 of this act, the court shall proceed to act on said report of a view and assessment of valuation in all respects as provided in section 5775 of the code of 1907. Provided, that by the direction of the superintendent of roads, minor changes can be made in the old roads with the consent of the owner of the land taken for such change; and, provided further, that the court of county commissioners may contract with land owners for a right of way for changing old roads or opening new roads.

Sec. 27. Be it further enacted, That it shall be the duty of the court of county commissioners of Clay county to make and enter upon the minutes of said court at the July term, 1911, or as soon thereafter as practicable, and at the same term each succeeding year, an

order appropriating an amount not less than 10 per cent. of the estimated revenue coming to the county during the succeeding fiscal year, after deducting commissions for assessing and collecting such revenue, and as much more from the general fund of each fiscal year as the said court may see proper, consistent with other demands on the county treasurer. Upon making such appropriation, the said court shall direct by a proper order and it shall be the duty of the county treasurer to open an account, to be known as the county road fund account, and whenever any money shall be paid to said treasurer for the general fund, he shall enter the proportionate part thereof, as fixed by the order of said court, to the credit of said road fund, and the remainder to the credit of the county general fund. Provided, that said road fund may from time to time be increased by additional appropriations made by said court.

Sec. 28. Be it further enacted, that the "county road fund" provided for by the preceding or any other section of this act, shall be disbursed upon the order of the court of county commissioners, as provided by this act.

Sec. 29. Be it further enacted, That it shall be the duty of the court of county commissioners of Clay county to have this act printed for the use of said court and other courts of said county, and for the officers herein named and persons desiring to submit bids for contracts.

Sec. 30. Be it further enacted; That the court of county commissioners shall have full power and authority to make and establish such rules and regulations, not in conflict with this act, that it may deem necessary for the proper construction, working, repairing and maintaining of the public roads, bridges and culverts of said county, and for requiring of all persons charged with any duty, power or liability under this act, a rigid performance of the accountability therefor, and for this purpose may appoint an auditor to examine into and pass upon all claims presented against the road fund, and to fix the compensation of such auditor

and provide for its payment out of the road fund, or the general fund, as may be determined.

Sec. 31. Be it further enacted, That the court of county commissioners of Clay county be and it is hereby empowered to at any time that said court may deem advisable, employ a skilled civil engineer to assume control and supervision over the public roads of said county, as to the manner of locating and surveying new roads, and as to the manner of working, repairing and maintaining any of the public roads in said county; and to supervise the execution of any contract that may be made on behalf of said county, for the working, repairing, opening or changing of any of the roads or bridges of said county, at such salary and for such length of time as said court of commissioners shall determine. In the event such skilled civil engineer shall be so employed, the term of office of the superintendent hereinbefore provided shall automatically cease and determine, and thereafter said civil engineer shall do and perform, in addition to such other duties as may be prescribed, the duties hereinbefore required of said superintendent. Provided, that the court of county commissioners may retain in the service of the county the said superintendent at such salary and to perform such duties as may be agreed upon.

Sec. 32. Be it further enacted, That this act shall take effect on the 1st day of January, 1912; that when not in conflict with this act, the general road law for this State, as embraced in the code of 1907, shall govern, and that all laws or parts of laws in conflict with this act be, and the same are hereby repealed as to Clay county, Alabama.

The State of Alabama }
Clay County. }

Before me, F. J. Ingram, judge of probate, in and for said county and State, personally appeared B. W. Sims, who being duly sworn, deposes and says, that he is the editor and business manager of The Ashland Progress, a weekly newspaper, published weekly in Ashland, Clay county, Alabama; and he further de-

poses and says that the accompanying and attached notice was published in said newspaper for four consecutive weeks (issues), to-wit: Jan. 27, 1911, Feb. 3, 1911, Feb. 10, 1911, and Feb. 17, 1911.

B. W. Sims.

Sworn to and subscribed before me this February 20, 1911.

F. J. Ingram,
Judge of Probate.

H. 566. To divide Houston county, Alabama, into four commissioners districts and to provide for the election of the commissioners from each of said districts.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, which is now in session, for the passage of the following law.

A bill to be entitled an act to divide Houston county Alabama, into four commissioners districts and to provide for the election of the commissioners from each of said districts.

Be it enacted by the Legislature of Alabama:

Section 1. That Houston county is hereby divided into four commissioners districts to be known and called commissioners districts, one, two, three, and four.

Sec. 2. That districts number one in said county shall be composed of and embrace beats one, two, and four; that district number two in said county shall be composed of and embrace beats three, eight and nine; that district number three in said county shall be composed of and embrace beats five, six, seven and ten; that district number four in said county shall be composed of and embrace beats eleven, twelve, thirteen and fourteen; and one county commissioner for the county of Houston shall be elected from each of said commissioners districts and not more than one commissioner shall

be nominated in a primary election or elected at a State and county election from the same commissioners district.

Sec. 3. That the county commissioners from each of said districts shall be elected as provided by law by the qualified electors of the entire county.

Sec. 4. That this act shall not affect the right of tenure office of the present county commissioners of Houston county, but said commissioners shall continue to hold and discharge their duties of their said office until their successors are elected and qualified under this act.

Sec. 5. Be it further enacted, That all laws or parts of law in conflict with this act be and the same are hereby repealed.

Dothan, Ala., January 25, 1911.

G. H. Malone.

State of Alabama, }
Houston county. }

Before me, M. B. Byrd, a notary public, in and for said county, came L. S. Deal, who being duly sworn deposes and says, that he is the editor and manager of the Dothan Home Journal; and that said Dothan Home Journal is a weekly newspaper, published weekly at Dothan, in Houston county, Alabama, and that the attached notice of the bill to divide Houston county, Alabama into four commissioners districts and to provide for the election of commissioners from each of said districts was published once a week for four consecutive weeks in said newspaper before making this affidavit.

L. S. Deal.

Sworn to and subscribed before me this the 21st day of February, 1911.

M. B. Byrd,
Notary Public.

H. 596. To prohibit the running or operation for pay or profit of what is commonly known as a pool room or billiard room, or any place where pool or bil-

liards are allowed to be played for pay or profit in Tallapoosa County, Alabama, outside the limits and police jurisdiction of any incorporated city or town therein, and to fix a punishment for a violation of the act.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of intention to apply to the next Legislature of Alabama for the passage of a local law for Tallapoosa county, the substance of which is as follows:

AN ACT

To prohibit the running or operation of what is commonly known as a pool, or billiard room, box ball alley, ten pin alley or any place where pool or billiards are played in Tallapoosa county outside of the limits and police jurisdiction of any incorporated city or town therein, and to fix a punishment for the violation of the act.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm or corporation to run or operate what is known as a pool room, billiard room, box ball alley, ten pin alley or any place where pool or billiards are played in Tallapoosa county outside of the limits and police jurisdiction of any incorporated city or town therein.

Sec. 2. That any person, firm or corporation violating the provision of section 1 of this section, shall be guilty of a misdemeanor, and on conviction shall be ~~fined~~ **not less than fifty nor more than two hundred dollars**, and may also be sentenced to **hard labor for the** county for not more than six months at the discretion of the judge trying the case.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

J. B. Rylance.

State of Alabama, }
 Tallapoosa County. }

Before me, G. J. Sorrell, judge of probate in and for said State and county, personally appeared T. T. McNelley, who being by me first duly sworn, says on oath that he is the printer and publisher of a weekly newspaper known as the Tallapoosa Courier, published at Dadeville, in said State and county. That the attached notice of intention to apply to the Legislature of Alabama for the passage of a local law for Tallapoosa county was published in said weekly newspaper for four weeks beginning with the issue of December 9th, and ending with the issue of the 29th.

T. T. McNelley,
 Printer and Publisher of Tallapoosa Courier.

Sworn to and subscribed before me, this the 25th day of February, 1911.

G. J. Sorrell,
 Probate Judge.

H. 602. To permit the playing of baseball on Sunday in the city of Mobile.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Pursuant to constitutional requirement, notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama for the purpose of permitting the playing of baseball on Sundays in Mobile.

Mobile, Ala., Feb. 15, 1911.

State of Alabama, }
 County of Mobile. }

Personally appeared before me, John F. Holly, advertising manager of the Mobile Daily Item, a daily newspaper published in the city of Mobile, county of Mobile, State of Alabama, and who being duly sworn

avows to his personal knowledge that the following notice was published once a week for four (4) consecutive weeks in said daily newspaper, in accordance with constitutional requirements.

John F. Holly,
Advertising Manager.
A. C. Tonsneire,

Notary Public, Mobile County, State of Alabama.

H. 307. To provide for the transfer of all cases pending on the jury docket of the county court of Cullman county, to the Cullman county law and equity court; to provide for the trial thereof and the records therein.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given as required by section 106 of the Constitution of 1901, of the intention by the undersigned, to apply to the next session of the Legislature of Alabama, for the enactment of a law, the substance of which is as follows:

A bill to be entitled an act to provide for the transfer of all cases pending on the jury docket of the county court of Cullman county, to the Cullman county law and equity court; to provide for the trial thereof and the records therein.

1. *Be it enacted by the Legislature of Alabama*, That all causes pending on the jury docket of the county court of Cullman county, be and the same are hereby transferred to the Cullman county law and equity court for trial and jurisdiction, to try and dispose of said causes so transferred is hereby conferred on the Cullman county law and equity court.

2. That upon the approval of this act, it shall be the duty of the clerk of the Cullman county law and equity court, to enter upon the docket of said court all causes now pending on the jury docket of the county court of Cullman county, and enter all indictments and other papers and records pertaining to such causes so

transferred upon the records of said law and equity court.

3. Be it further enacted, That all laws in conflict herewith are hereby repealed.

This 20th day of December, 1910.

A. A. Griffith,
Representative of Cullman County.

The State of Alabama, } Office of Cullman Tribune.
Cullman county. }

Personally appeared before the undersigned, W. E. James, a notary public, in and for said county and State, Julia H. Gillespie, who being by me first duly sworn deposes and says that she is the editor and publisher of the Cullman Tribune, a newspaper of general circulation published weekly in Cullman county, Alabama; that the notice attached hereto as Exhibit "A" was published in said Cullman Tribune, without cost to the State, once a week for four consecutive weeks prior to January 14th, 1911; said paper being published on Thursday of each and every week and said notice appeared in the issue of the following dates: December 22nd, December 29th, 1910; January 5th, and January 12th, 1911.

Mrs. J. H. Gillespie,
Editor.

Sworn to and subscribed before me this the 13th day of January, 1911.

W. E. James,
Notary Public.

H. 574. To repeal "An Act to repeal Chapter Seven of title three, part four, and Section 3931 of the Revised Code, so far as the same relates to the Counties of Dallas, Lee and Autauga," in so far as the same applies to the County of Autauga, and to re-establish the County Court of Autauga County.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

"Notice is hereby given that at the next session of the Legislature of Alabama, there will be introduced for passage and approval a bill for the purpose of authorizing and directing the probate judge of Autauga county, Alabama, to hold regular terms of the county court of said county for the trial of misdemeanors, as the judges of probate are empowered and directed to do in their respective counties, by article 3 of chapter 198 of the code of Alabama."

State of Alabama, }
Autauga county. }

I, Charles T. Kent, publisher of the Prattville Progress, a newspaper, published in the said county and State, hereby certify that the foregoing notice has been published in the said newspaper for three successive weeks last preceding this date.

Chas. T. Kent.

Sworn to and subscribed before me this the 13th day of January, 1911.

J. M. Tucker,
Notary Public.

H. 616. "An act to amend section 5 of an act entitled 'an act to provide for the appointment of an official stenographer for the second judicial circuit of Alabama and to prescribe his duties and to fix his compensation' approved August 9th, 1907."

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama, }
County of Baldwin. }

Before me, J. H. H. Smith, judge of probate, in and for said county, and State, personally appeared W. G. Hall, who being by me first duly and legally sworn, doth depose and say that he is the publisher of The Baldwin Times, a weekly newspaper, published in said Baldwin county, Alabama, and that the following advertisement has appeared and been published in said weekly newspaper once a week for four consecutive weeks, beginning on January 12h, 1911, and ending on February 2nd, 1911, to-wit:

"NOTICE."

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama to amend an act entitled, "an act to provide for the appointment of an official stenographer for the second judicial circuit of Alabama and to prescribe his duties and to fix his compensation" approved August 9th, 1907, the amendment to said act to provide in substance that the compensation of said stenographer shall be the sum of fifteen hundred dollars per annum payable in quarterly installments, in equal proportions, by the counties now or hereafter constituting and composing the said second judicial circuit of Alabama and to repeal all laws in conflict with the provisions of the said bill."

W. G. Hall.

Sworn to and subscribed before me this February 2nd, 1911.

J. H. H. Smith,
Judge of Probate Baldwin County, Ala.

H. 539. To fix the salary of the judge of the Fifteenth judicial circuit of the State of Alabama at the sum of four thousand dollars per annum, and to provide for the payment of as much thereof out of the State treasury as shall be paid to other circuit judges of the State of Alabama and for the payment of the remainder thereof out of the treasury of Montgomery county.

And send the same to the Senate with notice and proof attached and exhibited as follows:

The State of Alabama, }
Montgomery County. }

Personally appeared before me, John B. Fuller, clerk of the circuit court of Montgomery county, Alabama, Joseph B. Stern, who, being by me first duly sworn, deposes and says: that he is the president and publisher of The Montgomery Times, a daily afternoon paper published in the city and county of Montgomery, Alabama, and that a notice of a bill to fix the salary of the judge of the fifteenth judicial circuit of the State of Alabama, was published in the said The Montgomery Times for four consecutive weeks, beginning Saturday, January 28th, 1911, in form and language as follows, to-wit:

NOTICE.

Notice is given that application will be made to the present session of the Legislature of Alabama to enact a law fixing the salary of the judge of the fifteenth circuit at four thousand dollars. The sum in excess of the amount paid by the State to be paid in monthly installments out of the treasury of Montgomery county upon the warrant of the judge of said circuit.

(Signed) J. B. Stern.

Sworn to and subscribed before me, this the 21st day of February, 1911.

John B. Fuller,
Clerk of the Circuit Court of Montgomery County,
Alabama.

H. 625. To amend an act entitled "An act to confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein," approved February 18th, 1907.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama, }
Monroe County }

Before me, L. J. Bugg, a notary public in and for said State and county, personally appeared Q. Salter, who being by me first duly sworn, deposes and says that he is the editor and publisher of the Monroe Journal, a weekly newspaper published in Monroeville, in said state and county, and that the following notice, to-wit:

NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama providing for the repeal, alteration or amendment of an act entitled "An act to confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein," so that the jury term or terms of said court shall be abolished, and no jury trials shall be had therein; nor juries drawn or empanelled therein.

Was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

Q. Salter.

Sworn to and subscribed before me this 16th day of February, 1911.

L. J. Bugg,
Notary Public.

H. 633. To establish an inferior court for precinct number one of Walker county, Alabama, in lieu of all justices of the peace and notary public and ex-officio justices of the peace exercising the same jurisdiction as justice of the peace in said precinct number one, to be

known as the city court of Jasper, and to define the jurisdiction and powers of said court and the judge thereof, and to provide for the election of the judge and the term of office.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the present Legislature of Alabama to establish an inferior court for precinct No. 1, in Walker county, Alabama, to be known as the city court of Jasper, to define its jurisdiction and powers; provide for a judge of said court, and to define his power and authority; to provide for an acting judge of said court when the regular judge of said court is disqualified or absent; to provide for the oath and bond of the judge; provide for the impeachment; provide for his qualifications and his election; to provide for a constable and other officers of said court, to fix the compensation of said judge and other officers of said court; to provide necessary blanks, equipments and officers for said judge, and where and when said court shall be held and the terms of said court; also to provide for special terms of said court; also to provide for the abolishment of the office of justice of the peace and notary public and ex-officio justice of the peace in said precinct, and provide for the terms of office of the present justice of peace and notary public in said precinct, and the disposition of their papers, blanks and documents, and provide for the filling of vacancies in the judge of said court, and to provide for the practice and procedure in said court.

State of Alabama)

Walker County.)

Before me, R. S. Snoddy, a notary public and ex-officio justice of the peace, in and for said State and county, personally appeared F. V. Evans, who being duly sworn, says on oath that he is editor and publisher

of the Walker County News, a semi-weekly newspaper, published in Jasper, Walker county, Alabama; and affiant says that the attached notice was published once a week in the Walker County News, for four consecutive weeks, beginning January 27, 1911.

F. V. Evans.

Sworn to and subscribed before me, this March 2nd, 1911.

Robt. S. Snoddy,
Notary Public and Ex-Officio Justice of
the Peace.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 645, 602, 625, 633. To Judiciary.

H. 540, 566, 596, 574, 616. To Local Legislation.

H. 307. To Revision of Laws.

H. 539. To Finance and Taxation.

CONSIDERATION OF CONTINUING PARAMOUNT SPECIAL ORDER.

The hour of 11 o'clock having arrived the Senate proceeded to consider the continuing paramount special order of the hour, which was:

H. 354. To provide for the creation of a State highway commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose, and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

The following amendment offered by the committee on Public Roads and Highways:

Whereas, the people of Alabama at an election held in August, 1907, did amend the Constitution of the State, authorizing and empowering the Legislature to appropriate a part of the whole of the net revenue derived from the convict fund for the improvement of the public highways of the State, and whereas, said Constitution is not self enacting and affirmative action on the part of the Legislature is necessary to put into effect the will of the people as expressed at the polls and to effect said purpose; therefore;

A BILL.

To be entitled an act, to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby created a State Highway Commission for the State of Alabama, which shall consist of a professor of civil engineering in the Alabama Polytechnic Institute, to be selected by the board of trustees of said Institute, the State geologist and three civilians who shall hold office for four years from the date of their appointment, to be appointed by the governor within sixty days after the approval of this act.

All vacancies in the membership of said commission shall be filled in the same manner as is prescribed for the regular appointment. The Governor may remove any member for inefficiency, malfeasance or neglect of duty. All questions shall be determined by a majority vote of such commissioners.

Section 2. That such Highway Commission shall elect from its members a chairman; it shall have a common seal, the members thereof shall have power to administer oaths and the said State Highway Commission and the State highway engineer shall constitute the State highway department. It shall be provided with suitable office rooms at the capitol which office shall be under the charge of a State highway engineer and shall be kept open at such time as the business of said department and the convenience and interest of the public shall require. Such office shall be conveniently and properly furnished and shall be the repository for all records of the State highway department. It shall hold regular meetings at such times and places and at such periods as they may deem essential to the proper carrying out of the provisions of this act. Said commission shall elect a State highway engineer, who shall be a competent civil engineer and experienced and skilled in highway construction and maintenance. He shall be known as the State highway engineer and shall hold his office subject to the pleasure of said commission, and his salary shall not exceed five thousand dollars per annum, payable monthly. With the consent and advice of the commission, the State highway engineer may employ a stenographer and such assistant engineers as may be from time to time necessary for the proper carrying on of the work, and fix their compensation. Said State engineer shall, before entering upon the duties of his office, subscribe to and execute and file an oath of office and a bond in the penal sum of five thousand dollars with sufficient surety to be approved by the Governor, conditioned on the faithful performance of his official duties. He shall keep a record of every vote and official act of said commission; he shall file and safely keep all the maps and papers belonging to it; shall devote all of his time to the interest of the public roads, culverts and bridges of the State and shall be in charge of the office of the commission. It shall also be the duty of the said State highway engineer and his assistants to give such advice and

assistance with regards to roads, culverts and bridges in the counties throughout the State, as time and conditions will permit, and as the rules and regulations of the commission may prescribe, and he and his assistants may be required by the commission, to attend any public meeting held by the commission or by other parties in the interest of road improvement and maintenance in the State, and the State engineer and his assistants shall be allowed their necessary traveling expenses while performing their official duties. The railroads in operation in the State are hereby authorized to furnish free transportation to the members of the State highway commission, and its employees while in the actual performance of their official duties. All the files and records of said commission shall under reasonable regulations, be kept open for public inspection, and certified copies shall be received in evidence in any court in this State. The attorney general of the State shall be ex-officio attorney for the commission and shall give the commission such legal counsel and advice as it may from time to time require. In addition to his salary allowed by law as attorney general of the State, he shall receive his traveling expenses when in the performance of his duties as ex-officio attorney general for the commission.

Section 3. That the State highway engineer shall keep on file copies of all plans, specifications and statement prepared by his office. He shall cause to be made and kept by the State highway department a general highway plan of the State; shall collect information and prepare statistics relative to the mileage, the character and condition of the highways and bridges in the different counties of the State; and shall, within two years from the passage and approval of this act, prepare a map of such of the main highways in the State, as, in his judgment, are of sufficient importance to be designated as a system or trunk or State roads, that may be improved and maintained at the cost of the State, in co-operation with the counties, and report the same to the highway commission for submission to the Legislature for adoption as a

proposed system of trunk or State roads, which, if adopted, by the Legislature, shall be improved and maintained as soon thereafter as practicable, under such provision as the Legislature may enact either by working State convicts or otherwise. He shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the construction and maintenance of highways in the various counties where State aid is extended, giving due regard to the topography, natural conditions, character and availability of road building material and the ability of the counties to meet their portion of the cost of building and maintaining roads and bridges under the provisions of this act. He may at all reasonable times be consulted by the county commissioners, boards of revenue or other officers having authority over highways and bridges in their respective counties, relative to any question involving highways and bridges, and he may in like manner call on such officers for any information or assistance they may render in the performance of his duties with reference to highways and bridges within their respective counties and it shall be the duty of such officers to supply such information when called upon by the said State highway engineer. He shall determine the character and have the general supervision of the construction and repair of all roads and bridges improved under the provisions of this act. He shall report all the proceedings of his office to the State highway commission at such times as they may designate. He shall render, so far as he is able consistent with his other duties herein prescribed, assistance and advice as to the best methods of road construction and maintenance in the different counties and municipalities of the State that are not State aid roads when requested so to do by the proper authorities therein.

Section 4. That it shall be the duty of the State highway commission to consider at their meetings all questions relating to the general policy of the said State highway department and the conduct of the

work in general; to receive and consider at such times as they may select the annual report of the State highway engineer and to act for the State highway department in all matters relating to recommendations, estimates, and appropriations, and such other matters as it may be found suitable to submit to the Governor or the State Legislature. When practicable said commission shall determine the location of road materials in the State, ascertain the most approved laws in relation to roads, and hold public meetings throughout the State when deemed advisable. On or before the 1st day of April of each year, it shall be the duty of the commission to submit a printed report to the Governor, stating as near as possible the number of miles of road built or improved and also the culverts and bridges constructed during the year, their itemized cost and general character and the location of materials suitable for road construction, the general character and needs of the State and recommend such legislation as it deems advisable, and any other information concerning road improvement as may be deemed expedient. In the study of road materials the commission shall have the co-operation of the State geologist and the professor of civil engineering of the Alabama Polytechnic Institute or their assistants, and whenever the State geologist or the said professor of civil engineering or his assistants are performing any duties for the highway commission, they shall receive, in addition to their regular compensation allowed by law their expenses actually incurred.

Section 5. That there is hereby appropriated out of the net revenue derived from the convict fund of the State of Alabama, the sum of one hundred and fifty four thousand dollars per annum, provided that the expense of the highway commission, including the salary and traveling expenses of the commission, highway engineer, stenographer's or other persons employed by the commission, stationery, stamps and other incidental expenses as may be actually necessary in the conduct of the business of the said highway commission, shall not exceed twenty thousand dollars per an-

num, and provided further, that after the first year, beginning in the year 1912, all special funds for the improvement of the public roads, culverts and bridges in Alabama which may accrue from any other source and be in the State treasury shall be in lieu of said convict fund hereinabove provided for, to the extent of the amount thereof, thereby relieving said convict fund pro tanto to such extent.

The appropriation hereinabove made less the actual expenses of the commission hereinabove defined shall inure to the equal benefit of every county in the State of Alabama, and shall be apportioned equally by the said highway commission in such way as to give each county an equal share of said funds.

Section 6. That on or before the first day of February of each year, the highway commission shall estimate the probable sum of money that will accrue to the State road fund for the benefit of each county during the year, and apportion the same among the different counties as herein provided for, and shall immediately send a notice to the probate judge of each county stating the amount that such county shall be entitled to receive for said year out of said fund, each county to receive an equal amount thereof.

No money shall be drawn from the State road fund by any county until the said county shall have appropriated and rendered available a sum of money equal in amount to the sum drawn from the State road fund.

The county commissioners or boards of revenue or other proper authorities of any county may recommend such roads or portions of roads, culverts or bridges as they may consider it most necessary to construct; improve or maintain by State aid. Whenever any county shall decide to use the funds herein provided for, the county commissioners or boards of revenue or other proper authorities shall make written application to the State highway commission and upon the receipt of the same the State highway engineer shall ascertain that the funds are to be expended upon a proposed improvement of a permanent nature and upon a main traveled road or portion thereof and of

public utility and convenience, and if satisfied that the proposed improvement is of such character, he shall approve the application and the said engineer, or one of his assistants, shall proceed to view said proposed improvement, if his services in that regard are required, and shall prepare or approve surveys, plans, specifications and estimates of the cost of the construction before the work shall proceed.

Section 7. That as soon as practicable the highway commission shall prepare and adopt such rules and regulations for the construction, improvement and maintenance of public roads, culverts and bridges as they shall deem most suitable for the requirements of and bring the most practical results to the several counties of the State. Such rules and regulations shall be forwarded to the probate judge and county commissioners or boards of revenue in the State for general distribution. Such rules and regulations may be amended from time to time but such amendments must be printed and distributed not later than March first of each year.

Section 8. That no member of the highway commission, the State highway engineer or any other person in the employ of a highway commission shall be, either directly or indirectly, interested in any contract for the construction, improvement or maintenance of any road, culvert or bridge under this act, or in the sale of any machinery, material or anything whatever entering into the construction, maintenance or repairs of roads, bridges or culverts and such persons violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred nor more than five hundred dollars, and may be sentenced to hard labor for not exceeding six months.

Section 9. That the State highway engineer shall furnish a competent engineer, where needed, during the progress of construction, in any county, who shall supervise said work and see that plans and specifications are complied with. Whenever the cost of construction, improvement or maintenance shall exceed three thou-

sand dollars on any one piece of work for which State aid is required, the highway engineer, with the consent and advice of the proper authorities in the county, may prepare plans and specifications for advertising for bids at least thirty days in advance in a newspaper published in the city of Montgomery, and in a paper in the county where the work is to be done, and the county commissioners or boards of revenue or other proper authorities in such county shall receive bids for all or a part of said work and let the contract to the lowest bidder, subject to the approval of a State highway commission, reserving however, the right to reject any and all bids and call for new bids, or perform the work or part of said work by day labor or convict labor, as it may deem best for the interest of the State and county, subject to the approval of the State highway engineer. Where any work is done by contract, the State highway commission shall require a bond of the contractor for the faithful performance of the work, the amount of the bond to be double the contract price and to be approved by the members of the commission. The highway engineer may authorize partial payments to any contractor performing any highway or bridge improvement, under the provisions of this act as the same progresses. The progress estimates shall be based upon materials in place and labor expended thereon, but not more than eighty-five per cent. of the contract price of the work as it is completed shall be paid in advance of the full completion and acceptance of such improvement. At least fifteen per cent. of the full contract price of any such work of improvement shall be withheld until the work is satisfactorily completed and accepted by the State highway engineer.

Provided however, that in cases of emergency where it is necessary for the court of county commissioners or boards of revenue or other proper authorities in the county to make repairs on bridges or highways before they can confer with the State highway commission, they shall be authorized to do said work without waiting to consult with the State highway commission.

Section 10. That on or before the first day of February of each year, every county treasurer or other proper authority shall certify to the State highway commission, the amount of money expended for all purposes in road construction and maintenance and for bridges in his county during the preceding year. On or before the first of February of each year, the highway commission shall notify the probate judge of each county of the amount of money available that may be expended on public roads in said county during such year. Should any portion of the money be appropriated for the benefit of any county not be used by said county during the current year for which the same was appropriated, such sum of money shall remain in the State treasury for the future use and benefit of said county, provided that all sums of money so appropriated and not used by any such county for a period of two years, shall revert to and become a part of the general fund for the improvement of the State highways of Alabama and shall be in addition to the annual appropriation therefor.

Section 11. That whenever any road shall be constructed or improved in any county under the provisions of this act it shall be the duty of the road commission to prescribe rules and regulations under which the State highway engineer shall thereafter require all such roads to be kept in proper repair, and should any county fail or refuse to carry out any reasonable recommendation of the State highway engineer in the maintenance of such road, the commission may prescribe rules by which the same may be done by the State and the expense therefor shall be paid by the county or may be paid, in event the county defaults in the payment of the same, out of any money due or to become due to said county under the provisions of this act.

Section 12. That no such highway shall be dug up or otherwise used for laying lines, sewers, poles, or railways, or for other purposes, without the written permit of the proper road authorities in such counties, approved by the State highway engineer, and then only

in accordance with the regulations prescribed by said engineer, and all costs of replacing the highway in as good condition as previous as to its being disturbed shall be paid by the person to whom or in whose behalf such permit was given, or by the person by whom the work was done. In case of immediate necessity therefor, a city or town may dig up such highway without such permit from said engineer, provided that in such case such highways shall be forthwith replaced in as good condition as before at the expense of such city or town, and any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not to exceed five hundred dollars.

Section 13. That in all cases of a highway constructed under the provisions of this act, the right of way therefor shall first be acquired by the county either by donation by the owners of the land through which said highway shall pass, or by agreement between the owners and the proper authorities in such county, or by the exercise of the power of eminent domain and without expense to the State.

Section 14. That all monies paid out of the State treasury under the provisions of this act, shall be paid to the treasurer of the various counties of Alabama on the warrant of the State auditor upon the certificate of the State highway commission, and the said State highway commission is hereby authorized and empowered to make all such rules and regulations as are necessary and needful looking to the speedy completion of all contracts and they may authorize the payment of such sum of money as in their judgment is necessary for such purpose before the completion of any contract, but in no instance shall the amount authorized to be paid out of the State treasury exceed that which may for the same purpose be paid out of the treasury of the county in which such contract is made.

If in the opinion of the Governor the condition of the treasury shall warrant the same, he is hereby authorized to increase the amount herein appropriated for any year to a sum not to exceed four thousand

dollars per annum to each of the several counties in the State, provided, the counties shall each appropriate a like amount as provided for in this act.

All roads and highways built under this act are and shall be in perpetuity, free of toll.

All laws and parts of laws in conflict herewith, are hereby repealed.

This act shall take effect and be in force on and after the date of its approval.

Was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:	Frazer	Rogers
Atkins	Justice	Screws
Beasley	Kilby	Sherrod
Brown, C. W.	Lovelace	Sloan
Crumpton	Miller	Sprott
Curry	Moody	Stokes
Espy	Moulthrop	Tunstall
Fite	Plowman	Vaiden
Folmar		

—24

Nays, 0.

Mr. Beasley offered the following amendment to said substitute:

Amend section five by striking out the words: "Twenty thousand dollars per annum" and insert in lieu thereof the following, "ten thousand dollars per annum, unless in the opinion of the Governor the public demands on the highway department, under the provisions of this act, shall require an additional sum for such purposes, in which event, he may, in his discretion, increase the amount to not to exceed twenty thousand dollars per annum."

Was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs.:	Kilby	Rogers
Atkins	Lovelace	Screws
Beasley	Merrill	Sherrod
Crumpton	Miller	Spragins
Curry	Moody	Sprott
Fite	Moulthrop	Stokes
Folmar	Nance	Tunstall
Justice	Plowman	Vaiken

—23

Nays: Mr. Frazer.—1.

Mr. Rogers offered the following amendment to said substitute:

Amend section 11 by adding, "That nothing in this act shall be construed to relieve the counties of the State from liability to citizens from injuries sustained, arising from defective construction of roads, culverts and bridges, or from neglect to maintain them."

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:	Lovelace	Rogers
Atkins	Merrill	Sherrod
Beasley	Miller	Sloan
Brown, C. W.	Moody	Spragins
Curry	Moulthrop	Sprott
Fite	Nance	Stokes
Folmar	Plowman	Tunstall
Kilby		

—21

Nays, 0.

Mr. Beasley offered the following amendment to said substitute:

Amend section two, line twelve of page two, by striking out the word "five" and inserting in lieu thereof the word "four."

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.	Kilby	Rogers
Atkins	Lovell	Sherrod
Beasley	Merrill	Sloan
Brown, C. W.	Moody	Spragins
Curry	Moulthrop	Sprott
Fite	Nance	Stokes
Folmar	Plowman	Tunstall

—20

Nays, 0.

Pending the further consideration of said substitute:

RECESS.

At 1:10 o'clock P. M. on motion of Mr. Godbold, the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Friday, March 10th, 1911.

The Senate reassembled at 3:30 o'clock P. M.

ROLL CALL.

On a call of the roll thirty-one Senators answered to their names, a quorum of the Senate, as required by the constitution.

INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows:

By Mr. Sherrod:

S. 394. To amend section eleven hundred and twenty-eight (1128) of the code of Alabama.

Revision of Laws.

By Mr. Spragins (By request) :

S. 395. To relieve J. M. Hilliard, who with his father, P. B. Hilliard, in the year 1860 or close thereabout, purchased from the State of Alabama the northeast quarter of section sixteen (16), township three (3), range two (2), west of the Huntsville Meridian in Madison county, Alabama, and executed therefor their promissory note in the aggregate six hundred (\$600.00) dollars which said notes were paid by J. M. Hilliard who together with his father, P. B. Hilliard, took possession of said land, lived on it until the year 1906, when the State of Alabama resold said land to other parties who dispossessed the said J. M. Hilliard of said one hundred and sixty (160) acres of land by an action of ejectment in the circuit court of Madison county, Alabama.

Finance and Taxation.

With Notice and Proof as follows:

NOTICE.

Is hereby given that a bill will be introduced for passage in the Legislature of Alabama now in session, substantially as follows:

AN ACT

To relieve J. M. Hilliard who with his father, P. B. Hilliard in the year 1860 or close thereabout, purchased from the State of Alabama the north-east quarter of section sixteen (16), township three (3), range two (2), west of the Huntsville Meridian in Madison county, Alabama, and executed therefor their promissory note in the aggregate six hundred (\$600.00) dollars which said notes were paid by J. M. Hilliard, who together with his father, P. B. Hilliard, took possession of said land, lived on it until the year 1906 when the State of Alabama resold said land to other parties who dispossessed the said J. M. Hilliard of said one hundred and sixty (160) acres of land by an action of

ejectment in the circuit court of Madison county, Alabama.

Section 1. Be it enacted by the Legislature of the State of Alabama that the auditor of the State of Alabama be and he is hereby instructed to draw his warrant on the treasurer of the State of Alabama in behalf of J. M. Hilliard for the sum of six hundred (\$600.00) dollars, the amount paid the State of Alabama by J. M. Hilliard for the northeast quarter of section sixteen (16), township three (3), range two (2) west, which said land was never conveyed to J. M. Hilliard by the State of Alabama.

Personally appeared before me, Mabel Potts, a notary public, in and for said county and State, J. E. Pierce, who first being duly sworn to speak the truth, the whole truth, and nothing but the truth, and says that he is editor in chief and general manager of the Daily and Weekly Times, a newspaper published in the city of Huntsville, county of Madison, State of Alabama, and that the above and foregoing notice was printed in said newspaper four consecutive weeks, beginning the 8th day of February, 1911, and appeared once a week regularly for four weeks.

J. E. Pierce.

Sworn to and subscribed before me this the 9th day of March, 1911.

Mabel Potts,
Notary Public.

By Mr. Crumpton:

S. 396. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the Second District Agricultural School and Experiment Station located and situated at Evergreen, Alabama, known as the Southwest Alabama Agricultural School.

Education.

By Mr. Tunstall:

S. 397. To provide for the location of hospitals, infirmaries, or other places in which sick or wounded

persons are to be cared for or treated and to provide penalties for its violation.

Public Health.

REPORTS OF COMMITTEES.

Mr. Kilby, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Molton:

H. 115. To provide for and regulate the assessment, levy and collection of municipal taxes, of all cities in the State of Alabama having over one hundred thousand population according to the last State or Federal census, to define the duties of the State, county and municipal officers in regard thereto, to fix the tax year for such cities and to make the county tax collector of each county ex-officio the collector of property tax for each of such cities within the county.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate bills:

S. 286. To fix the times and places of holding the courts in the counties composing the eighth judicial circuit of Alabama.

S. 296. To abolish the fine and forfeiture fund of Wilcox county, and to provide for the payment into the general fund of said county of all moneys which under existing laws, or laws hereinafter enacted, are payable into said fine and forfeiture fund.

And find the same correctly enrolled.

M. H. Screws,
Acting Chairman.

SIGNING BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from Committee on Enrolled Bills.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 125. To authorize counties to appoint and to fix the compensation of officers to enforce the provisions of law for the prevention of cruelty to animals and the provisions of law for the prevention of cruelty to children and to confer upon said officers the power of deputy sheriffs.

H. 147. To amend section 7692 of the code of Alabama of 1907.

H. 302. To repeal so far as the same applies to Clarke county, An act entitled "An act to amend section 1632 of the code, so far as the same relates to Crenshaw and Clarke counties, approved February 12th, 1887.

H. 442. To repeal an act entitled "An act to fix and regulate the ex-officio fees of the sheriff of Limestone county, Alabama," approved March 5th, 1901.

H. 458. To authorize the Court of County Commissioners of Coosa County to buy mules, horses, road machines and tools for the purpose of working the public roads of Coosa County; to work the convicts of Coosa County on the public roads of said county; to employ laborers and superintendents to work and supervise the working of the public roads of said county; to collect from persons subject to road duty in lieu of work on

public roads the sum of \$7.50 each per annum, and to provide for collecting the same; to buy for use on said public roads any and all kinds of road material, to employ an engineer to survey and grade said public roads; to fix the age of road duty from 18 to 55 years and to use such sums of money from the general funds of said county for the purpose of working and improving such roads as said Court of County Commissioners may deem necessary.

H. 459. To amend section 5202 of the code of Alabama.

H. 544. To create the office of official stenographer for Etowah county, to provide for his appointment, to prescribe his duties, fix his compensation, and provide for the payment of the same.

W. F. Herbert, Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 177. To close and abandon certain described portions of certain streets, avenues and alleys in the city of Sheffield, and county of Colbert.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Of application to the Legislature of Alabama, to be made at the approaching regular session of the same, to close and abandon certain described portions of certain streets, avenues and alleys in the city of Sheffield, and county of Colbert.

Notice is hereby given that at the approaching regular session of the Legislature of Alabama, to be held at Montgomery, Alabama, application will be made to the said Legislature to pass a law, in substance as follows:

A BILL

To be entitled an act, to close and abandon certain described portions of certain streets, avenues and alleys in the city of Sheffield, and county of Colbert.

Be it enacted by the Legislature of Alabama:

Section 1. That all of the parts of the streets, avenues and alleys, designated according to J. J. Treveres' map of the city of Sheffield, Alabama, as recorded in the office of the probate judge of Colbert county, Alabama, described as follows, be, and the same are hereby abandoned and closed as streets, avenues and alleys of the city of Sheffield.

All of the streets, avenues and alleys embraced within the boundaries described as follows:

Beginning at a point where the southeast margin of Twentieth avenue crosses the curved track of the Southern Railway Company, near the north corner of block No. 503B. Runs thence southwest along the Southeast margin of Twentieth avenue to the northeast margin of Thirteenth street; thence southeast along the northeast margin of Thirteenth street to the southeast margin of Nineteenth avenue; thence southwest along the southeast margin of Nineteenth avenue to the northeast margin of Twelfth street; thence southeast along the northeast margin of Twelfth street to the said curved track of the Southern Railway Company; thence along the

curvature of said track in a northeasterly and northwesterly direction, to the point of beginning.

Also, that part of Fifteenth street lying between the southeast boundary of Twenty-fourth avenue and the northwest boundary of Twenty-second avenue; and that part of Twenty-third avenue lying between the Hattie Ensley Furnace site and the southwest boundary of Sixteenth street; and that part of Twenty-fourth avenue lying between blocks 601 and 616.

Also, that part of Seventeenth street lying between blocks 447 and 448.

Also, all that certain portion of an unnamed 40-foot street lying between blocks numbered 411A and 411B, and all that certain portion of that unnamed 80-foot street southwest of blocks numbered 440A and 440B, and 411A and 411B, lying between Railroad avenue and a line 20 feet southeast from and parallel to the center line of said block 411A produced across said unnamed street, the same being a distance of, to-wit: Three hundred eleven feet and two and one-quarter inches in length.

Also, a tract, piece or parcel of land 72 feet square, in the center of which, or near the center of which, is located the stand pipe or water tank of The Sheffield Company, and which is more particularly described as follows: Beginning at the northwest corner of lot number one, in block numbered two; thence northerly along the west line said lot, projected, 24 5-10th feet; thence westerly, at right angles, 14 feet; thence northerly, at right angles, 60 feet, to point of beginning; thence westerly, at right angles 72 feet; thence northerly, at right angles, 72 feet; thence easterly, at right angles, 72 feet; thence southerly, at right angles, 72 feet, to the said beginning point.

Also, all of that 200-foot street lying within and between the following points and boundaries, namely: Beginning at the extreme western corner of block numbered 556; thence in a straight line to the extreme eastern corner of block numbered 578A; thence along the curved line shown on said map as the southwestern boundary of said 200-foot street along the margin of

blocks 578A, 596 and 611, to the point where said curved line touches the south bank of the Tennessee river at low-water mark; thence easterly, at right angles, to the tangent of said curved boundary line at said last named point 200 feet, to the curved line shown on said Treveres' map as the northeastern boundary line of said 200-foot street; thence in a general southerly and easterly direction along said curved boundary line to the point of beginning. And that portion of Twenty-fourth avenue lying between blocks 611 and 596, and that portion between blocks 597 and the unnumbered plat of land lying north of said avenue. And that portion of Twenty-third avenue lying between blocks 596 and 578A, and that portion lying between blocks 597, and 580. And all of Twenty-second avenue lying northwest of and along block 556, save and except the exact part of Twenty-third avenue, Twenty-fourth avenue and said 200-foot street that is covered by the following described strip of land, to-wit: A strip of land forty (40) feet wide, commencing at that perpendicular to the northeast property line of the Sheffield and Birmingham Coal, Iron and Railway Company property, as shown on the Treveres' map of Sheffield, that intersects the southwest corner of block 578A; thence northwesterly between parallel lines forty feet apart (the property line of the said Sheffield and Birmingham Coal, Iron and Railway Company, as shown on said map, being the southwest boundary line of said strip) to the head of a ravine near the Tennessee river which runs in a general northerly and southerly direction across block 611; thence along said ravine (the center of the ravine being always the center of the street) to the Tennessee river at low-water mark.

And that portion of that unnamed street lying between blocks 550A and 550B, and between blocks 522A and 522B from Twentieth avenue to Twenty-second avenue.

And that portion of Eighth street from Twentieth avenue to Twenty-second avenue.

And that portion of that unnamed street lying between blocks 551A and 551B, and between blocks 523A

and 523B and between portions of blocks 498A and 498B from a line 160 feet southeast of the southeast side of Twentieth avenue to Twenty-second avenue.

And that portion of Ninth street from Nineteenth avenue to Twenty-second avenue.

And that portion of that unnamed street lying between blocks 499A and 499B.

And that portion of Tenth street from Nineteenth avenue to the original Lady Ensley Furnace site.

And that portion of that Twentieth avenue from Eighth street to that unnamed street lying between blocks 525A and 525B, and between blocks 500A and 500B.

And that portion of Twenty-first avenue from Seventh street to the original Lady Ensley Furnace site.

Also, a plat of ground 60 feet by 256 feet (being made up of a 10-foot strip off the south side of "A" or First street, and a 50-foot strip off of the north side of Railroad avenue), described as follows: Beginning at a point on west boundary line of Montgomery avenue 50 feet south of the southeast corner of block 79; thence running west parallel to south line of block 79, a distance of 256 feet; thence running south, at right angles, 60 feet; thence running east, at right angles, 256 feet; thence running north, at right angles, 60 feet, to the point of beginning.

Also, that portion of Seventeenth avenue between blocks 416 and 446.

Also, that portion of Twelfth street lying between Twenty-first avenue and Twenty-second avenue.

Also, the southeast one-half of Seventeenth avenue lying along block 414, crossing Fifteenth street and along the entire length of block 415, and that part of Fifteenth street lying between blocks 414 and 415.

Also, that portion of "A" or First street south of block numbered 81, on which is at present located the Union Depot and its appurtenances.

Also, a portion of "A" street, thirty (30) feet wide, extending from the east side of Montgomery avenue to the west side of Atlanta avenue along the south side of "A" street bordering on Railroad avenue.

Section 2. Be it further enacted, That all laws or parts of laws in conflict with this Act, be, and the same are hereby repealed.

The bill above set out, states the substance of the proposed law. The same will be introduced and passed at said regular session of the Legislature of Alabama.

W. T. Archer.

State of Alabama, }
Colbert County. }

Before me, Claude Williford, a notary public, in and for said State and county, personally appeared E. M. Ragland, who being by me first duly sworn, deposes and says:

That he is the editor, owner and publisher of the Sheffield Standard, a weekly newspaper published in Sheffield, Colbert county, Alabama;

That he was the owner, editor and publisher of said weekly newspaper so published during the entire year of 1910;

That the annexed and attached proposed special act was filed with him for publication in said weekly newspaper on, to-wit: the seventh day of December, 1910;

And that the same was duly published in the said Sheffield Standard once a week for five (5) consecutive weeks, namely, in the issue of the said Sheffield Standard December 9th, 16th, 23rd and 30th, 1910 and January 6th, 1911;

And that the annexed and attached copy of said publication was taken from the current files of the said Sheffield Standard and is an exact copy of the proposed special act and is the publication so made in said newspaper;

And that notice of the intention to apply for the passage of said bill was published in the county where the matters and things to be affected are situated;

And that said notice states the substance of the proposed law.

E. M. Ragland,

Editor, Owner and Publisher of the Sheffield Standard.

Sworn to and subscribed before me on this, the 14th day of January, 1911.

Claude Williford,
Notary Public, Colbert County, Alabama.

Also:

H. 449. To better improve the public roads of Washington County, Alabama, and to make better provisions for the working of said public roads, to divide said county into four road districts, and to provide for the election of a member of the Court of County Commissioners as a road supervisor for each of said road districts; to provide the duties of said road supervisors; to require the overseers of public roads of Washington county, Alabama, to work under and in connection with the said supervisors; to fix the pay of said supervisors; to provide for the reports of the said supervisors; and to provide a penalty for failure to comply with said law.

And send the same to the Senate with notice and proof attached and exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, which convenes on the 10th, day of January, 1911, to authorize the court of county commissioners, of Washington county, Alabama, to divide said county into four (4) public road districts, and to appoint one of their number a supervisor over each of said districts to fix his duties; to pay such supervisor not more than \$4.00 per day out of the general fund of the county for each days service actually performed as such supervisor, after being fully itemized, sworn to and passed upon by the board of commissioners; and to provide for the careful audit of all road expenditures annually.

State of Alabama, }
Washington County. }

I, Wallace P. Pruitt, editor of the Washington County News, a newspaper published at Chatom, Washington county, Alabama, do hereby certify that a copy of the notice of road law as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for four consecutive weeks, commencing with the issue dated Dec. 29, 1910, and ending with the issue dated January 19, 1911. I further certify that I have the right and authority to make this affidavit.

Wallace P. Pruitt.

Sworn to and subscribed before me on this the 3rd day of February, 1911.

Joe C. Granade,
Notary Public.

Also:

H. 523. To create a highway commission for Houston County, Alabama, and to define the powers and duties of said commission, and to provide for the appointment of the members of said commission and to aid the commission in obtaining revenue to carry out its work.

And send the same to the Senate with notice and proof attached and exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, which is now in session for the passage of the following law:

A bill to be entitled an act to create a highway commission for Houston county, Alabama, and to define the powers and duties of said commission, and to provide for the appointment of the members of said commission and to aid the commission in obtaining revenue to carry out its work.

Section 1. *Be it enacted by the Legislature of Alabama.* That a highway commission is hereby created and established for Houston county, Alabama, that said commission shall be composed of G. H. Malone chairman; Jasper E. Barnes, treasurer, and James R. Faircloth, secretary, who shall hold office for a period of four years from the approval of this act and until their successors are elected and qualified; that the members of said commission shall be freeholders and household-

ers of said county at the time of their appointment and during their term of office. The treasurer of said commission is hereby required to give a bond in the sum of five thousand dollars payable to Houston county, conditioned for the faithful performance of his duties so long as he is treasurer of said commission.

Sec. 2. That the compensation of the members of said commission shall be four dollars for each day they are actually engaged in the duties of their office; and in addition thereto, their actual expenses necessarily incurred in the discharge of their duties; but the members of said commission shall not charge or collect for more than seventy-five days in any one year; the members of said commission shall be paid by the treasurer of said commission out of funds coming into its hands; they shall be paid upon warrants drawn by the chairman of said commission and countersigned by its secretary and approved by its treasurer; said warrants for such compensation shall be issued upon itemized accounts as sworn to by the member claiming the same and shall specify whether it is for per diem compensation or actual expenses incurred in the discharge of the duties of said commissioners; and in case it is both, then the amount of per diem compensation and the amount of expenses shall be stated separately.

Sec. 3. The said commission shall have charge of all roads and highways in the county of Houston, except the streets of incorporated cities and towns, and shall be charged with the duty of making, building, improving and repairing public roads and bridges in Houston county, and in establishing and opening any new public road which may be established by law. The said commission in the name of and for the county of Houston shall make any and all contracts and shall have and is hereby given the exclusive power and authority to make any and all contracts to make, build, grade, work and improve, open and repair any and all public roads and bridges in Houston county; and contracts to do or perform any work or labor upon the public roads or bridges of Houston county shall be awarded or given to the lowest responsible bidder therefor; but in cases of contracts

for making, grading, building, working and improving, opening and repairing any or all public roads or bridges or portions thereof in Houston county, the said commission shall require of the contractor a bond payable to the county of Houston, with good and sufficient sureties, in an amount of not less than the contracted price, conditioned to faithfully perform and carry out the contract. No contract for making, building, grading, working and improving, opening and repairing public roads and bridges in Houston county shall be binding upon the county of Houston and subjected to payment out of any funds belonging to the county of Houston unless it shall contain stipulations stating in detail the making, building, grading, working and improving, opening and repairing, the method of graveling, cherting, macadamizing, claying, making hard or other necessary matters or items, the time within which the work is to be completed and such other stipulations as the commission may see fit to insert. The said commission shall also stipulate for the retention of at least twenty per centum of the contracted price until the work is completed and accepted by the commission; and no contract for the making, building, grading, working and improving, opening and repairing public roads and bridges in Houston county shall be binding on the county of Houston or payable out of any of its revenue until the work contracted for is accepted by the commission as being completed in accordance with the contract for same; and all contracts for making, building, grading, working and improving, opening and repairing public roads and bridges in Houston county shall be made with reference to and embracing section three of this act.

~~Sec. 4. The said highway commission may work for and in the name of the county of Houston all county~~
convicts on any or all of the public roads and bridges in Houston county, or may hire out to the contractors who may contract to make, build, grade, work and improve, open and repair any or all of the public roads or bridges of said county, county convicts; but the county commissioners of said county shall approve all con-

tracts and bonds to be made and given for the hire of convicts to work on said roads and bridges.

Sec. 5. The said highway commission shall divide, and are hereby authorized and empowered to divide, the public roads of the county into four good roads districts in accordance with the four several county commissioners districts in the said county of Houston—that is to say, that all public roads in beats one, two, and four shall compose and be embraced in good roads district No. 1; and all public roads in beats three, eight and nine, in Houston county shall compose and be embraced in good roads district No. 2; and all public roads in beats five, six, seven and ten in Houston county shall compose and be embraced in good roads district No. 3; and all public roads in beats eleven, twelve, thirteen and fourteen in Houston county shall compose and be embraced in goods roads district No. 4.

All the inhabitants of said county subject by law to work on the public roads of said county shall be apportioned or assigned to public roads duty in their respective public roads district and shall work upon the respective public roads in the districts within which they respectively reside.

The said commission is hereby authorized to direct on what road any person residing in the road district herein provided for and subjected to road duty shall work; and if any road in such road district is worked by a contractor under a contract made with said commission, it is authorized to require any person residing in said road district to work for and under said contractor in said road district and shall direct on which road in such road district such person subjected to road duty shall work; and all those so designated to work under such contractors who shall not have paid their road taxes, and who shall not pay such taxes when ordered, shall report to the contractor for work when ordered by said commission and work the number of days directed by said commission not exceeding the number required by law. The said commission if necessary, may employ persons in the several good roads districts to aid in ascertaining the names of all persons subject to road duty,

and may pay out of the funds coming to their hands for good roads persons so employed not to exceed one and 50/100 dollars for each day he is actually employed.

Sec. 6. The secretary of said highway commission shall keep full and accurate minutes of the meetings and of all things done at such meeting of the commissions in a well bound record book, and shall also transcribe in full and in detail every account or debt paid by the said highway commission, embracing every word in said account, paper writing or debt; and all warrants drawn for any debt to be paid by said commission shall state the name of the person in whose favor the warrant is drawn, the amount thereof and the items of the account for which it is drawn and the stub of warrants shall contain identically the same; and the treasurer of said commission, after approving warrants in writing as hereinabove provided, shall pay the same. When not being actually used by the commission, the book of warrants and all stubs thereof both with the book of minutes shall be kept in an iron safe. The said commission shall make a sworn statement detailing all transactions made by them every six months showing the warrants drawn by them to whom and for what amount paid which statement shall be filed in the office of the probate judge and be open to public inspection.

All books, papers or writing matter kept by said commission shall at all times be open to public inspection.

Sec. 7. The members of said commission shall take an oath before entering into their office to administer the affairs of their respective offices and to do and perform all other duties faithfully as such officer. Said oath shall be in separate writings before the clerk of the ~~circuit court of Houston county, Alabama, under the seal of his office and shall be recorded in the minutes kept by said commission.~~

Sec. 8. Said commission may change or alter any portion of the public roads of Houston county, when in its opinion, it is the best for the public interest and in like manner establish new roads. For this purpose the said commission in the name of and for the county

of Houston shall have the power to contract with the owners of lands which may be required for the purpose of such change or new roads; and in case it cannot agree with any of said owners, the county of Houston by and through its commissioners court shall appoint viewers to assess the damages to the property owners whose lands are taken and who have not agreed with this commission on the price to be paid them and viewers shall report its assessment to this commission and such proceedings shall be made upon such report as now prescribed by law to be had, upon such report on the establishment of public roads; said commission in the name of and for the county of Houston may proceed in all matters to acquire land for the purpose of changing a public road, widening, grading or building a public road or establishing a new road in like manner under the same authority and by virtue of the same law as the commissioners court now have the right to do.

Sec. 9. The said commission may whenever it is necessary in his judgment to do so, employ an engineer or engineers to establish grades or locate roads or to draw specifications and proper contracts for the making, building, grading, working and improving, opening and repairing of public roads and bridges, and shall fix and require all other duties that they may see proper to require of said engineer or engineers and require him to do, carry out and perform all such duties or things as he may agree to do for the county of Houston or the said commission may require him to do for the county of Houston.

Sec. 10. A majority of the members of said commission shall constitute a quorum for the transaction of business and any and all matters; the chairman of the commission shall vote.

Sec. 11. All funds, monies or revenues now provided by law or that may hereafter be provided by law for, or assessed, or levied, or collected under law for road or bridge purposes in Houston county, shall be paid to said commission by the person or persons collecting the same and shall be kept and used by said commission for the purpose only of making, building, grading, working

and improving, opening and repairing public roads or bridges; and whenever and wherever by law funds, monies or revenues are raised, assessed or collected for road or bridge purpose, the same shall be immediately paid to the said commission as soon as collected by the person or officer authorized to collect the same.

Necessary stationery for the use of said commission and all books required to be kept by it, shall be paid for out of any funds coming into its hands.

Sec. 12. No member of said commission shall be directly or indirectly interested in the contracts for making, building, grading, working and improving, opening and repairing of public roads and bridges; and the said commission, if it find the same to be necessary, may employ clerk to keep the books and to do all clerical work and such other work as may be required of such clerk by the said commission and the said commission may prescribe and shall have the power to prescribe the duties of such clerk and all other agents, employees or servants that it shall have the authority to employ.

Sec. 13. The county commissioners of the county of Houston shall set apart from time to time at their regular sessions, during the year, all funds which it can legally devote or apply to road or bridge purposes, and pay such sums so set apart to the said highway commission; and the said court of county commissioners of Houston county shall appropriate and set apart and pay to the said highway commission all the taxes levied and collected by said court for road or bridge purposes. All other funds which may be by law set apart or provided for or appropriated for the improvement of public roads or bridges in Houston county or for the making, building, grading, working and improving, opening ~~and repairing same~~, shall be known as public road funds of Houston county and shall be paid over to, kept and appropriated by the said highway commission of Houston county, and no other person, officer or department of the county shall exercise any authority or disposition of said public road funds except the said highway commission and shall be used exclusively for the making, building, grading, working and improving,

opening and repairing of public roads; and for the payment of debts incurred for such purposes.

Sec. 14. It shall be the duty of said highway commission of Houston county, each year to ascertain the names of all inhabitants of said county who are liable for road duty by election precincts, and deliver to the tax collector of Houston county the names of all of them except those who are appointed as overseers and apportioners, and the tax collector shall thereupon assess a road tax of three dollars against each one so liable for road duty, which shall be paid when their taxes are paid and shall form a part of it and be a part of the taxes of such persons. Receipt books therefor shall be prepared by the commissioners court of Houston county and delivered to the tax collector; and the tax collector shall prepare a receipt for each person so assessed by him for the three dollars of road taxes and shall collect from each person liable to road duty in Houston county the said sum of three dollars for each year, and on the first day of each month of each year the said tax collector shall pay to the said commission the taxes so collected by him, the said tax collector shall by the first day of March in each year, return to the said commission in Houston county the name of any person liable to road duty, who shall not have paid his three dollars road taxes; and the said commission shall thereupon apportion all such persons as have not paid their road taxes to the several districts in which the roads may be divided. The said commission shall appoint overseers on all roads and such portions of roads as are not worked by contract; and all such persons so apportioned shall be warned and worked on the public roads and be liable to such penalties as are now provided by law; provided, that when warned to work the road such person or persons may pay the road taxes to the said tax collector and thereby be relieved from all road duty. All persons liable to road duty who fails to pay the three dollars road tax and who are apportioned to such portions of the road as are worked by contracts, shall be required to work under the contract, whenever notified by the said highway commission,

unless they shall when so required and notified to pay to the tax collector their said road tax of three dollars and a fee of one dollar for being in default. The said commission shall make contracts with the contractors for the compensation to be paid to the county for all such hands apportioned to them; and the funds arising from the payment of the road taxes shall be paid by the said tax collector as hereinabove mentioned to the said commission as a part of the public road funds of Houston county. The tax collector shall be entitled to a fee of ten cents to be retained by him for each three dollars collected by him under the provisions of this act.

Sec. 15. Nothing herein contained shall be construed as to prohibit the said highway commission from adopting any other method of working and repairing the said public roads; but they shall have power to adopt any method which may be deemed best by them; and to purchase all machinery, teams, tools, and other items as in their judgment may be necessary for making, building, grading, working and improving, opening and repairing public roads; but the said highway commission shall not have the power or authority to bind the county of Houston or to contract debts for which it would be liable in excess of the anticipated public road funds for the current year; and the public road funds of the current year shall be applied, first, to the payment of said debts so contracted by said commission; and if the public road funds for the current year are not sufficient to pay all the debts so contracted, in anticipation of said public road funds, the county of Houston shall not be liable for the balance of said debt. The said highway commission in any one year, may make and contract debts to make, build, grade, work and improve open and repair public roads in the name of and for Houston county, but the county shall not be liable for any debt contracted by said commission in the extent of the collections of said good roads funds.

Sec. 16. The said highway commission shall employ such supervisors, engineers, superintendents, and other employees as may be necessary; and shall have the power to procure by donation or purchase any gravel beds,

or rocks, suitable for the purpose of making good roads.

Sec. 17. That from time to time, and at all times, as nearly as practicable, the said highway commission shall carry on the making, building, grading, working and improving, opening and repairing of public roads in each and all of said good roads districts and the money constituting and forming the good roads fund of this county shall be appropriated and used as nearly as practicable to the same extent or in the same amounts in each of the several good roads districts at the same time.

Sec. 18. That all laws, civil and criminal, now in force in this State relating to public roads and not in conflict to the provisions of this act shall be and remain in full force and effect and all monies, funds, revenues, teams, machinery, mules, and implements now on hand and owned by Houston county and forming a part of the good roads fund or property, shall be and constitute a part of the public roads funds provided for by this act; and shall be delivered to the said highway commission.

Sec. 19. That should a vacancy occur in said commission, by death, resignation or otherwise, the same shall be filled by appointment by the governor of Alabama; and the members of said commission except those herein named, shall at all times be appointed by the governor of Alabama.

Sec. 20. That if any person who is subject to road duty shall fail to pay his road taxes of three dollars prior to the first day of March in each year, and after said date is directed by said commission to work on any public road in the good roads district in which he resides, or to work for a contractor who is working such road in said district under a contract with said commission desires to pay his road tax of three dollars in lieu of working on the public road, he must pay in addition to said three dollars road tax an additional sum of one dollar. This additional sum of one dollar shall be collected by the tax collector at the time of and in the same manner he collects the road tax; or by the person or

any member of the commission directing him to work on said road.

Sec. 21. All laws and parts of laws in conflict of this act be, and the same are hereby repealed.

Dated this 25th, day of January, 1911.

State of Alabama, }
Houston county. }

Before me, M. B. Byrd, a notary public, in and for said county, came W. T. Hall, who being duly sworn says, that he is editor and publisher of the Dothan Eagle, a newspaper published in Dothan, Houston county, Alabama every week; that the printed matter hereto attached appeared and was published in four issues of said Dothan Eagle, it appearing the first time in said newspaper on the 25th day of January, 1911, the second time on the 2nd day of February, 1911, the third time on the 9th day of February, 1911, and the fourth time on the 16th day of February, 1911, that said publication appeared in said Dothan Eagle for four consecutive weeks, beginning on the 25th day of January, 1911.

W. T. Hall.

Sworn to and subscribed before me this the 20th day of February, 1911.

M. B. Byrd,
Notary Public.

W. F. Herbert,
Clerk.

HOUSE MESSAGES.

~~The House bills in the foregoing House message~~
were severally read once and referred to appropriate standing committees, as follows:

H. 177. To Municipalities and Municipal Organizations.

H. 449. To Local Legislation.

H. 523. To Public Roads and Highways.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 293. To establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

REPORT FROM THE COMMITTEE ON REVISION OF THE
JOURNAL.

Mr. President:

Your committee on the Revision of the Journal begs leave to report that it has carefully examined the Journal for the Thirty-four, Thirty-fifth and Thirty-sixth Legislative days and finds that they are correct as to all original entries and references thereto and that the same comply with all constitutional requirements.

W. C. Crumpton,
Chairman.

On motion of Mr. Crumpton, the foregoing report from the Committee on Revision of the Journal was received and concurred in and the Journal of the Senate for the Thirty-fourth, Thirty-fifth and Thirty-sixth Legislative Days were approved by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House accedes to the request of the Senate for a conference committee on the House amendment to

S. 53. To change and regulate the appointment of the board of control of the Canebrake Agricultural Experiment Station, to prescribe the authority and duties of the said board and to provide for the expenses of the said station.

Committee on part of the House: Messrs. Knight, James and Judge.

And returns same herewith to the Senate.

W. F. Herbert,
Clerk.

UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of the morning session which was:

H. 354. To provide for the creation of a State Highway Commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature, and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

The substitute therefor, and amendments to substitute adopted at morning session.

Mr. Moody offered the following substitute:

A BILL.

TO BE ENTITLED.

An act to provide for the creation of a State highway commission, define its powers, duties and compensation, to authorize said commission or the engineer ~~to be appointed by said commission to stimulate and~~ aid in the establishment, change and improvement of the public roads and the erection and improvement of the culverts and bridges of the several counties of the State, and to make an appropriation for such purposes out of the net revenue of the convict fund of the State and from other sources.

Whereas, the people of Alabama at an election held in August, 1907, did amend the constitution of the State, authorizing and empowering the Legislature to appropriate a part or the whole of the net revenue derived from the convict fund for the improvement of the public highways of the State. Therefore, be it enacted by the Legislature of Alabama as follows, to-wit:

There is hereby created a State Highway Commission for the State of Alabama which shall consist of the professor of geology of the University of Alabama, a professor of civil engineering in the Alabama Polytechnic Institute, to be selected by the board of trustees of said Institute, and a citizen of the State, over twenty-one years of age, who need not be a civil engineer, to be appointed by the Governor within sixty days after the approval of this act. All vacancies in the membership of said commission shall be filled in the same manner as is prescribed for the first appointment. The Governor may remove any member of such commission for inefficiency, malfeasance or misfeasance in office. The term of the first members to be appointed by the Governor shall continue to July 1, 1915, and his successors shall be appointed every four years thereafter for a term of four years and until their successors are appointed. Said highway commission shall select one of its members to be the chairman of the commission. All questions shall be determined by a majority vote of the commissioners. The object and purpose of such commission shall be to stimulate and aid the betterment of the public roads, bridges and culverts of the several counties of the State. Its relation to the county road authorities shall be advisory only except where otherwise specified in this act.

2. Said commission shall be provided with suitable office rooms at the capitol, and said rooms shall be properly furnished. Meetings of said commission shall be held at such times and place as they may deem proper and convenient for the carrying out of the provisions of this act. Said commission may adopt a set of rules and regulations for their own government and

the government of the engineer to be appointed by them. Said commission shall elect a State highway engineer, who shall be a competent civil engineer and experienced in the construction and maintenance of highways, and said engineer shall be under the general direction and control of the highway commission.

Add to section 2 the following:

On or before the first day of April of each year, it shall be the duty of the commission to submit a report to the Governor setting out in such report such matters as they think proper concerning the public roads, bridges and culverts of the State. Said commission shall receive no compensation except actual expenses.

3. The engineer selected as above provided shall be known as the State highway engineer and shall hold his office subject to the pleasure of said commission. His salary shall be \$3,600.00 per annum, payable monthly. With the advice and consent of the commission said highway engineer may employ one or more assistant engineers and such clerks and other employees as in his judgment may be necessary for the proper conduct of the work of said commission and of said engineer and shall fix their compensation. He shall keep a record of every vote and official act of said commission, shall file and safely keep all the maps, papers, books and records belonging to said commission, shall devote all of his time to the interest of the public roads, culverts and bridges of the several counties of the State, and shall be in charge of the office of the commission. It shall be the duty of such engineer in person or by one or more of his assistants to visit each county in the State, where practicable, at least once in each year. He shall hold public meetings, make addresses on the subject of road improvement, or cause such addresses to be made by others. He may where convenient give or make object lessons in road construction. He shall investigate the road laws of the several counties. He shall consult and advise with the courts of county commissioners or boards of revenue and with the county engineers of

the several counties with reference to the roads, culverts and bridges of their several counties. He shall investigate and study the different road materials that may be found in the various counties. He shall request each court of county commissioners or boards of revenue to furnish him a map of their county showing the principal public roads and streams of their county and a brief description of the principal public bridges and culverts in the same. Such maps and descriptions shall be kept on file in the office of the highway commission. The engineer shall assist the counties in making or procuring needful maps, plans and specifications for their roads, bridges and culverts. He shall invite correspondence with the courts of county commissioners and county engineers of the several counties with reference to the establishment, change and improvement of public roads, and the erection and improvement of public bridges and culverts in the several counties. He shall keep on file copies of all plans, specifications and statements prepared by his office. He shall collect information and statistics relating to the mileage, character and condition of the highways, bridges and culverts in the several counties of the State. And in general such engineer shall endeavor to promote the betterment of the roads, bridges and culverts of the several counties of the State. The attorney-general of the State shall be ex-officio attorney for the commission and shall give the commission such legal counsel and advice as it may from time to time require. Such engineer and his assistants shall be allowed their necessary traveling expenses while performing their official duties. The railroads in operation in this State are hereby authorized to furnish free transportation to the members of the State highway commission, the highway engineer and his assistants while in the actual performance of their official duties. The State highway engineer may also, and it shall be his duty to give advice to the municipalities of the State in reference to street improvement when requested to do so by the proper authorities.

4. There is hereby appropriated out of the net revenue derived from the convict fund of the State the sum of one hundred and fifty thousand dollars per annum. But all special funds for the improvement of the public roads, culverts and bridges in Alabama which may accrue from any other source and be in the State treasury shall be in lieu of part of said convict fund hereinabove provided for, to the extent of the amount thereof, thereby relieving said convict fund to such extent. The total expenses of the highway commission, including the salaries, wages and traveling expenses of the commission, highway engineer assistants, clerks and employees of the commission shall not exceed sixteen thousand dollars per annum. The appropriation hereinabove made, less the actual expenses of the commission hereinabove limited, shall inure to the equal benefit of every county in the State of Alabama, and shall be apportioned by the said highway commission in such way as to give each county an equal share of said funds.

5. The monies appropriated out of the convict fund for the purposes of this act and all other monies which the State may acquire for the purposes of this act shall be kept by the State treasurer and placed to the credit of the State highway fund.

6. On or before the first day of February of each year, the highway commission shall estimate the probable sum of money that will accrue to the State road fund for the benefit of all the counties during the year, and apportion the same among the several counties as herein provided, and shall immediately send notice to the probate judge of each county stating the amount that such county shall be entitled to receive for said year out of said fund, each county to receive an equal amount thereof. No money shall be drawn from the State highway fund by any county until the said county shall have notified the State highway engineer that they have appropriated and rendered available for the establishment, change or improvement of the public roads of their county or the erection and improvement of the bridges and culverts of their county a sum

equal in amount to the sum proposed to be drawn from the State highway fund. Whenever any county may wish to use the funds herein provided for, the county commissioners or boards of revenue or other proper authorities shall make written application to the State Highway Commission, and upon receipt of the same the State highway engineer shall ascertain whether the funds are to be expended upon a proposed improvement of a permanent nature and upon a main traveled road or a portion thereof, and if satisfied that the proposed improvement is of such character, he shall approve the application, and shall prepare or approve surveys, plans, specifications and estimates of the cost of the construction before the work proceeds and the money of the State is turned over to the county.

7. No member of the highway commission, the State highway engineer or other person in the employ of the highway commission shall be, either directly or indirectly, interested in any contract for the construction, improvement or maintenance of any road, culvert or bridge under this act, or in the sale of any machinery, material or anything whatever entering into the construction, maintenance or repair of roads, bridges or culverts, and such persons violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty and not more than five hundred dollars, and may be sentenced to hard labor for not exceeding six months.

8. Before appropriating to any county any money from the highway fund, the highway engineer shall make an agreement with such county as to where, how, in what manner and under what conditions the money to be appropriated by the State shall be expended. If the money so appropriated has been expended by the county contrary to the terms of such agreement, or if the county has expended said sum or a part thereof in an unwise or lavish manner, then the highway engineer shall make an estimate of the amount of the loss of money so appropriated by the State which has been due to the failure of the county to comply with such agreement, or to the unwise or lavish manner in

which said work was done and money expended, then such highway engineer may retain an amount of money equal to such loss out of any money due or to become due to said county under the provisions of this act.

9. On the first day of each month the highway engineer shall furnish to the chairman of the highway commission an account or statement of all the expenses of the commission for the previous month, including the salaries and wages of the engineer, his assistants and other employees. If such chairman finds that such statement is correct he shall certify such statement to the auditor, and the auditor shall draw his warrant on the treasurer payable to such engineer for the total amount of such expenses. And the engineer shall collect the same and pay over the proceeds of the warrant in the settlement of the amounts shown to be due on such statement.

10. That all moneys paid out of the State treasury under the provisions of this act shall be paid to the treasurers of the various counties of Alabama on the warrant of the State auditor to be issued upon the certificate of the State highway commission. Such sums of money so paid shall be used by said counties for the establishment, change and improvement of the public roads and the erection and improvement of the culverts and bridges of such counties. This act shall take effect and be in force on and after the date of its approval.

Which on motion of Mr. Beasley, was laid upon the table.

Yeas, 16; nays, 6.

Yeas:

Messrs.:

~~Allen~~

Atkins

Beasley

Curry

Espy

Fite

~~Folmar~~

Kilby

Merrill

Moulthrop

Plowman

Screws

Sherrod

~~Sloan~~

Tunstall

Vaiden

Nays.			
Messrs.:	Miller	Rogers	
Crumpton	Moody	Spragins	
Justice			—6

Mr. Spragins offered the following amendment to said substitute:

Provided that nothing contained in this bill shall be construed so as to give said highway commission or said highway engineer any powers except those that are simply advisory.

Which on motion of Mr. Beasley, was laid upon the table.

Yeas, 14; nays, 10.

Yeas:			
Messrs.:	Fite	Plowman	
Allen	Folmar	Screws	
Atkins	Kilby	Sloan	
Beasley	Merrill	Tunstall	
Curry	Moulthrop	Vaiden	—14

Nays:			
Messrs.:	Lovelace	Sherrod	
Crumpton	Miller	Spragins	
Espy	Moody	Sprott	
Justice	Rogers		—10

Mr. Spragins moved to recommit said bill and amendments.

Which, on motion of Mr. Beasley, was laid upon the table.

Yeas, 14; nays, 4.

Yeas:			
Messrs.	Curry	Moulthrop	
Allen	Espy	Plowman	
Atkins	Fite	Screws	
Beasley	Kilby	Tunstall	
Crumpton	Merrill	Vaiden	—14

Nays: Messrs. Miller, Moody, Sherrod and Spragins.

—4

And said bill as thus amended was read a third time at length and passed.

Yeas, 19; nays, 2.

Yeas:

Messrs.:	Espy	Norman
Allen	Fite	Screws
Atkins	Folmar	Sherrod
Beasley	Lovelace	Sloan
Brown, C. W.	Merrill	Tunstall
Crumpton	Miller	Vaiden
Curry	Moulthrop	

—19

Nays: Messrs. Moody and Spragins.—2.

Mr. Moody moved to adjourn, which motion was lost.

BILL ON THIRD READING.

The bill:

S. 379. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the city of Montgomery, State of Alabama; to provide for the creation of an excise commission in such city; to prescribe the power and duties of such excise commission; to prescribe the amount of license taxes to be paid by each licensee, respectively, to the State, the city and the county in which operates; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said, or any other intoxicating liquors or beverages in said city, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

Was read a third time at length and passed.

Yeas, 11; nays, 9.

Yeas:			
Messrs.:	Espy	Moulthrop	
Atkins	Folmar	Screws	
Brown, C. W.	Justice	Sloan	
Curry	Lovelace	Stevens	—11
• Nays:			
Messrs.:	Moody	Sprott	
Allen	Renfro	Tunstall	
Beasley	Sherrod	Vaiden	
Merrill			—9

PAIRS ANNOUNCED.

Mr. Kilby announced that he and Mr. Morrow were paired on this vote, that if Mr. Morrow were present he would vote "yea" and that he, Mr. Kilby, would vote "nay."

ADJOURNMENT.

At 5:30 o'clock on motion of Mr. Justice, and in pursuance of S. J. R. 75, the Senate adjourned until 12 o'clock m. Tuesday, March 14th, 1911.

